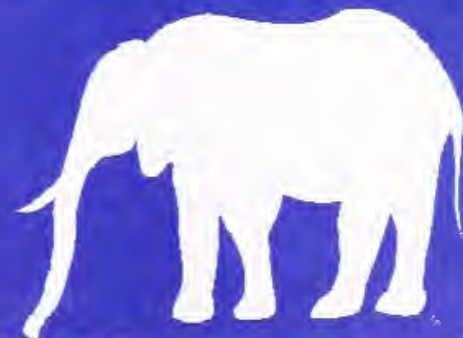
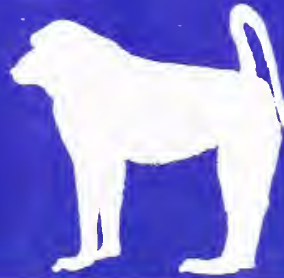


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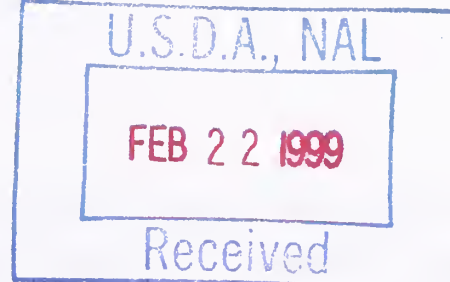
# Animal Welfare Act 1966-1996: Historical Perspectives and Future Directions

Proceedings of a Symposium held by the U. S. Department of Agriculture  
at the USDA Center in Riverdale, Maryland on September 12, 1996

**United States  
Department of  
Agriculture**



**National Agricultural Library**



# Animal Welfare Act 1966-1996: Historical Perspectives and Future Directions

Celebrating the 30th Anniversary of the Animal Welfare Act and the  
10th Anniversary of the Animal Welfare Information Center

The proceedings of a symposium sponsored by the U.S. Department of Agriculture at  
USDA Center, held on September 12, 1996 in Riverdale, Maryland.


Edited by Michael Kreger, D'Anna Jensen, and Tim Allen

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# Forward

Since its passage in 1966, the Animal Welfare Act has had a profound impact on the lives of both animals and people. In the 1960s, Congress received more mail about animal care issues than both civil rights and the war in Vietnam. As the Act celebrates its 30th year, it continues to generate philosophical, economic, and regulatory discussion among government regulators, commercial interests, and humane groups. This symposium takes a retrospective look at the development and effectiveness of the Federal animal welfare regulations since 1966. Leaders from government, including those directly involved in writing the regulations of the original act, industry, and humane groups offer their views of the history and impact of the act and their visions for its future. The symposium was held at the USDA Center in Riverdale, Maryland on September 26, 1996. It was the first time a celebration has been held for either the Animal Welfare Act (AWA) or the Animal Welfare Information Center (AWIC).

The National Agricultural Library (NAL) established the Animal Welfare Information Center (AWIC) in 1986 as mandated by Congress in the Improved Standards for Laboratory Animals Act of 1985. AWIC helps those who must comply with the Animal Welfare Act by providing information that will reduce, replace, or refine experimental techniques that cause pain or distress to animals in research, teaching, and testing.

Over 150 people attended the symposium representing a broad spectrum of philosophical views and general interests. The attendees included laboratory animal researchers, animal protectionists, students, philosophers, zoo and aquarium staff, government and non-profit organizations. Well-known figures in the development of the AWA were present in the audience and were asked to address the group. Anne Cotrell Free, a nationally-syndicated columnist in the 1950s and 1960s, covered general



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*Dr. Richard Crawford (AWIC), Chris Byrnes (WARDS), D'Anna Jensen (AWIC), Tim Allen (AWIC), Michael Kreger (AWIC), Joe Venable (WARDS), Dr. Debra Beasley (APHIS, Animal Care). Planning Committee members not pictured are Jean Larson (AWIC), Joy D'Arce (APHIS, Animal Care), and Jerry DePoyster (APHIS, Animal Care).*

animal welfare issues that exposed deplorable conditions for laboratory and pound animals. Her writing helped create the climate that motivated Congress to pass an act protecting pets and laboratory animals. Former Senator (and veterinarian), John Melcher was also in the audience. Sen. Melcher was responsible for helping to pass the 1985 amendments to the Act which included the formation of AWIC. He is credited for making psychological well-being of nonhuman primates and exercise for dogs legal requirements.

A free half-day version of the AWIC workshop *Meeting the Information Requirements of the Animal Welfare Act* was offered at NAL the morning after the symposium with optional tours of the Beltsville Agricultural Research Center or the National Wildlife Visitor Center offered in the afternoon. The workshop attracted 50 participants.

The final anniversary event was an exhibit at NAL on 30 years of the Act and 10 years of AWIC. Artifacts including newspaper articles from the 1960s, life-size photostats of the AWA and Amendments signed by Presidents Johnson, Nixon, Ford, Reagan, and Bush, photographs, laboratory animal enrichment devices such as toys, a transport crate for rodents, and other materials filled two showcases. The exhibit was photographed and videotaped for possible future use as an interactive module about the history of the AWA. Contributors of the historic information and artifacts include AWI, WARDS, AAALAC International, Charles River Laboratories, Anne Cotrell Free, New Jersey Association for Biomedical Research, National Archives, National Institutes of Health, Dr. Viktor Reinhardt, and R.W. Johnson Pharmaceutical Research Institute.



**30 years of the Animal Welfare Act Exhibit, held at the National Agricultural Library.**

# Acknowledgments

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# Animal Welfare Act: Historical Perspectives and Future Directions Symposium Proceedings

*September 12, 1996*

## *Morning Session*

### Opening Remarks

**Dr. Dale Schwindaman, Deputy  
Administrator, APHIS/AC**

I want to welcome everyone here this morning. We appreciate you being here to help us with this celebration. I want to thank everyone for your patience with the security. This is a secure building and we have extra security on this morning.

The time that we're going to be spending here today is very pleasing to me and I think it's very appropriate that it's being presented as kind of a joint celebration: the enactment of the Animal Welfare Act and the establishment of the Animal Welfare Information Center. Most of today we'll be discussing the Animal Welfare Act, but tomorrow the AWIC or Animal Welfare Information Center will have a very nice program. Information exchange really is a factor that's central to both of our agencies. Perhaps back 30 years ago, if one had a crystal ball when the Animal Welfare Act was first passed, I think we could surely have predicted that there would come a day when we would need to have the Animal Welfare Information Center. So although the mandated purpose for the Animal Welfare Information Center is to facilitate literature searches of the literature for research alternatives, its development has had broader effects on bringing the extensive resources of the National Agricultural Library (NAL) to the attention of the growing public segment interested in animal welfare research.

We are very pleased to have the leaders of the two agencies: APHIS (Animal and Plant Health Inspection Service) and the National Agricultural Library in the Agricultural



Research Service. Mr. Terry Medley is the Administrator for the Animal and Plant Health Inspection Service and Mr. Keith Russell is the Deputy Director of the National Agricultural Library.

It's a real pleasure for me this morning to introduce our Administrator from the Animal and Plant Health Inspection Service, Mr. Terry Medley. Mr. Medley comes to us fairly recently as the administrator, but this certainly does not mean that he's new to Animal and Plant Health inspection activities. He is an attorney and received his law degree from the University of Virginia. He has spent some time with the Office of General Council with the U.S. Department of Agriculture and, more importantly, he had a six-month tour as the Acting Administrator of the Food Safety Inspection Service and spent several years as the acting associate administrator for the Animal and Plant Health Inspection Service before becoming the Administrator. It's a real pleasure for us and a real pleasure for the Animal Care Program to have Mr. Medley as the Administrator. Please help me welcome Mr. Medley.



### **Terry Medley, Administrator, APHIS**

Thank you Dr. Schwindaman. I have spent the last 20 years working on agriculture issues in the Animal and Plant Health Inspection Service, the Forest Service, and FSIS. I spent the last 13 years setting up regulatory programs for the new products of biotechnology, genetically-engineered organisms, including new veterinary biologics. More specifically, I developed programs about psuedorabies and all the rabies vaccines which, when you look at the impact that can have on wild animals and also our companion animals and humans, you get a

very fascinating development area which I think can help us deal with some of our wildlife management problems.

This morning, I'm pleased to be able to welcome you and I hope you enjoy your day at Riverdale. We have been classified as a Category 4 building. We do have a day school here. There is heightened security, but our employees are very thankful about that especially after the tragedy against them that occurred at the Murry Federal Building that killed seven APHIS employees.

We're here to celebrate the thirtieth anniversary of the enactment of the Animal Welfare Act and the tenth anniversary of the National Agricultural Library's Animal Welfare Information Center, AWIC. Dr. Schwindaman started off welcoming you here, but, like any



good birthday party, it brings together many people who have been close to the honorees throughout the years. It gives them an opportunity to share their very insights and their perspectives to let us know just what the AWA and the AWIC has meant to them. Through this process we'll be able to take a look at our past achievements in animal welfare and also explore our goals for the future. I'd like to begin our retrospective by providing a very brief overview of AWA's history. Dr. Schwindaman is going to talk more in depth.

He and I had a very good conversation the other evening when we talked about his long tenure in this program starting in 1966. It really was a fascinating trip for me and I hope he shares some of that with the group this morning. As we know, in 1966 the original Laboratory Animal Welfare Act was passed setting the main standards for research animals housed on the dealer's premises or in laboratories. The Act was strengthened in 1970 to cover the animal's entire stay in laboratories and require the use of appropriate pain-relieving drugs. At that time, the AWA was also expanded to include exhibit animals and animals in commercial breeding operations. In 1976, amendments to the AWA established specific provisions for animals in transport and was expanded and prohibited most animal fighting ventures. In 1985, Congress passed the Improved Standards for Laboratory Animals Act which again strengthened the AWA provisions by providing laboratory animal care and aimed to reduce unnecessary duplicative animal research experimentation. The amendments also establish a center at the National Agricultural Library, what we know today as the AWIC, to provide information on alternatives to the use of live animals in research. Finally, in 1990, Congress passed pet protection provisions for holding periods of random source dogs and cats.

As you can see, the AWA has been continually evolving and improving our ability to protect regulated animals. A little later, the panel that Dr. Schwindaman talked about will provide a more in depth perspective on USDA's regulatory responsibilities under each of the AWA amendments. However, I would like to note that one of the legislators who was instrumental in achieving this reform was Congressman George Brown from California. A primary sponsor of the 1985 amendments commonly known as the "Brown-Dole Amendments". Mr. Brown was planning to join us today, but it was necessary for him to join President Clinton on the campaign trail in California who is in Congressman Brown's district. So I'm sure, at this point in time, you can understand his having to fulfill that commitment. Had he been able to join us, Congressman Brown would have provided us with a congressional perspective on the history of AWA. If time permits, we will be able to share with you some of those thoughts. But we do know that it wasn't easy and we are certainly grateful to Congressman Brown's efforts and to all those individuals and groups who fought for this legislation.

Of course there are many others who should be recognized. Far too many for us to mention individually. The APHIS officials who spent countless hours researching and writing AWA regulations, the inspectors who enforce AWA regulations in the field, and the Regulatory Enforcement officials who are helping to bring AWA violators to justice. Today,

we particularly want to highlight the contributions of the AWIC staff who work closely with our Regulatory Enforcement and Animal Care personnel in promoting the exchange of information relating to the humane care and use of animals and the AWA requirements. And then, there are those of you who are here today. Each of you, whether in government, humane groups, or in industry, have contributed in some very special ways to all of these achievements. I know that we've come a long way from the time when it was acceptable to sell identified animals to research, when research animals did not have to be anesthetized, and when none oversaw the treatment of animals at breeding facilities, zoos, and circuses.

We are proud of the work we've done, but we also realize there are a number of challenges ahead. How do we improve? How do we enhance our enforcement and our commitment to the goals of the Animal Welfare Act? I think today we have an opportunity to share with one another as we look at our retrospective and as we look to the future and the goals we want to achieve. As we recognize our successes, it is important that we recognize our shared goals and work together in our collective interest and responsibilities. That's really one of the main purposes of this meeting. It's to set the groundwork for an ongoing dialogue on these issues and to create new and effective partnerships.

At a time when we hear words like "improved streamlined government", we talk about the National Performance Review Initiative; it's all aimed at efficiency. But a cornerstone of all those efforts is cooperation between the government and diverse entities. Here at USDA, we've made it a primary goal to solicit public input on all of our regulatory efforts. In the area of the AWA for instance, through public meetings we've held earlier this year on commercial breeders as well as meetings we've held to solicit comments for our activities on the Horse Protection Act. It's by working together like this that we are going to be able to ensure enhancement of animal welfare and of our animal welfare activities.

Our goal is to make the best informed decisions. To do that, the operative word is "informed". To allow us to be thus informed, we must have this dialogue. We have to provide venues, opportunities to exchange information to receive the spectrum of views on an issue be they supportive, be they in opposition, be they critical, we need the entire perspective to make the best informed decisions.

When we talk about informed decisions, that leads me to information. Information is very critical. We talk about enhanced compliance. Another aspect of enforcement is also education. It's training. It's reaching out. It's communicating. It's saying, "Let's look at our objectives. Let's look at our goals and how do we best achieve them? How do we maximize our resources? How do we perform as efficiently as possible?" Education is the key.

At this time, it's my pleasure to introduce our next speaker. Mr. Keith Russell who is the Deputy Director of the National Agricultural Library. Mr. Russell has been with NAL for 12 years, serving as Associate Director for Public Services before being appointed

Deputy Director in May of 1995. During his years at NAL, Mr. Russell was closely involved in the initial establishment of the Center and he has been a strong supporter its truly innovative activities and programs. He is also a very firm proponent of AWICs educational sessions on Meeting the Information Requirements of the AWA. This is a two-day workshop designed to assist the regulated community in examining alternatives to certain research procedures. I'd like you to join me now in welcoming Mr. Keith Russell.

**Keith Russell, Deputy Director, National Agricultural Library**

Thank you Mr. Medley. Good morning. I am delighted to see so many of us turned out for this important celebration. On behalf of Pamela Andre, the Director of the National Agricultural Library, my primary purpose is to welcome you to this event. As Mr. Medley mentioned, I have been involved with the Animal Welfare Information Center since its beginning. The Center was created in the mid-eighties during a period of tremendous and significant growth for the library. During that period, we created several information centers to help us improve access to information in agriculture and the related sciences and social sciences.



Although Animal Welfare Information Center is not our oldest center, it is one of our two largest and it has set many standards for other information centers and other library activities. The center's training program, for example, is our best developed and most extensive one. It serves as a model for other training programs, other bibliographic instruction programs, and other user education programs.

A few years ago, we had a special consultant work with us on developing an overall strategic plan and relate it to providing education and training to our users. The primary role model for the development of that plan was the work that the people in the Animal Welfare Information Center had done.

The center is also one of our best known activities on the international scene and, a few years ago, the center received a very prestigious award for its outreach efforts. Jean Larson, the coordinator of the Animal Welfare Information Center will mention these as well as other achievements in her presentation later this morning.

In closing, I will just repeat my welcome and hope that you have a wonderful day of

celebrating not only the center, but also other animal welfare activities that have been going on for a long period of time. Thank you.

***Moderator - Dr. Schwindaman, Deputy Administrator, APHIS/AC***

*Thank you Mr. Medley and thank you Mr. Russell. Before we get started, there is a person here that I would like to introduce and that is former Senator John Melcher. Dr. Melcher, and I say Dr. Melcher because Senator Melcher is a veterinarian, has done much to support animal welfare. He may not be prepared, but I would like to call him up and see if he has any comments.*



### **Senator Melcher**

Thank you Dale. You're right, I'm totally unprepared. But as a former senator, I'm never at a loss for words. When I learned of this meeting, I was very pleased and very delighted. I think within all of us, there's an instinctive desire to be kind to animals and to treat them with the respect, the compassion, and the humaneness that they deserve from us.

You're going to hear from Christine Stevens very shortly and she will give you the real history of the Animal Welfare Act because she and Roger Stevens were involved with the Animal Welfare Act since its infancy and worked very diligently to make sure it became law. It's been my privilege as a congressman and a senator to be able to work and do the right thing for animals. For that opportunity, I've always been proud, delighted, and thankful.

What I say to you is this, renew your interest and your faith and your determination to be humane and take care of animals and maybe respect that we use them, that we employ them, that we participate with them in life's journey to make life better for all of us. Thank you.

## *Reflections on the Laboratory Animal Welfare Act*

### **Dr. Schwindaman**

Thank you very much Senator Melcher. Before we begin with this morning's agenda, I want to take a few moments to make a few additional introductions. First of all, I want you to know about the members of the committee that have worked so hard in putting this together. When Jean Larson and her staff contacted me a number of months ago to see what the germination of this idea of this celebration might be, I was very pleased to say, "I think it's a wonderful idea. Let's go forward with it!" So in going forward with it, there were members from APHIS and from the National Ag Library, AWIC, who worked very diligently in bringing it to fruition today.

If you look at the last page of your program, you will see the individuals listed. I would like to read their names and have them stand, so in the very beginning, we can give them a round of applause for their work. From APHIS, Joy D'Arce, Dr. Debra Beasley, Cindy Eck, and Colleen Yates. From the National Agricultural Library, AWIC, there's Tim Allen, Dr. Richard Crawford, Ruth Criscio, D'Anna Jensen, Mike Kreger, and, of course, Jean Larson. These are the people who worked very hard to put this together and let's thank them.

I do want to make some additional introductions before we continue on. There are so many people who played a role in the animal welfare regulations over the past 30 years and before 1966. I want to introduce some of those who were very instrumental in the passage of the Laboratory Animal Welfare Act of 1966. Of course, as Senator Melcher mentioned, Mrs. Christine Stevens is a presenter today and one of those who needs to be recognized.

This certainly didn't appear on the horizon as a full-blown piece of legislation without quite a history before it. If I can use a Biblical metaphor, I'd like to say that 1966 was one of those moments in history when the seeds of change had found fertile ground, this time in an awakening public consciousness about animal welfare issues. The focus of that original legislation was on animals used in research, although since then we have seen the same pattern. Legislative response to an aroused public awareness brings about changes in many other areas of animal use. Some of those who sowed the seeds that produced the Laboratory Animal Welfare Act of 1966 are here today. And some mentioned one of those pioneers is Mrs. Christine Stevens, President of the Animal Welfare Institute. Anne Cottrell Free has written extensively about animal welfare and for her journalistic work in bringing experimental uses of animals to public attention, she was awarded the Albert Schweitzer Medal from the Animal Welfare Institute in 1963.

There are many others who have made contributions, and I want to mention a couple of these people who have passed on, and with whom I, and others of you in the room, have worked with personally. Fay Briske was one of these individuals who was a long-time

fighter against animal abuse. I'll always remember Fay for her efforts in improving conditions for animals in transportation. Fay knew Washington, and she knew Washington politics. She used her network skillfully to work for the humane treatment of animals. Fay received the Albert Schweitzer Medal from AWI in 1975. And there's Frank McMann. Frank was the Chief Investigator of the Humane Society of the United States. He was with the group that took the *Life* photographer along on a raid to a dealer's premises here in Maryland. That event resulted in the article "Concentration Camp for Dogs" which you will hear more about today. There are many representatives of humane organizations here today as presenters and as part of the audience. We welcome their participation in this celebration.

I came to work on the Laboratory Animal Welfare Act in 1966 when the effort was underway to write the first regulations and standards which would make enforcement of this landmark piece of legislation possible. Dr. Earl Jones was one of the first individuals to head the new Animal Care staff. Earl was quite a character. He and I struggled through many long nights writing those first regulations and standards. We were facing a lot of opposition to the proposed rules, but we did have a lot of support and leadership from our boss, who is also here today and is one of the presenters. That was Dr. Frank Mulhern who was then director of the Animal Health Division of the Agricultural Research Service. The Animal Health Division was the predecessor of Veterinary Services which is part of APHIS, and Dr. Mulhern was the first administrator of the Animal and Plant Health Inspection Service.

I haven't seen him yet, but I understand that Mr. Frank Germaine is going to be here today. He was on the staff in those early days. Frank deserves a lot of credit for helping to develop enforcement procedures for the Animal Welfare Act.

I see a number of former members of the Animal Care staff who have joined us today for this celebration. We want to welcome all of them. I do want to take a moment to recognize an individual who I have worked very closely with over the past several years, and that is Dr. Morley Cooke. Dr. Cooke has just left the Animal Care program to begin a new assignment in Veterinary Services and we're really going to miss Dr. Cooke's expertise and broad experience on the Animal Care staff. Dr. Richard Crawford that I mentioned before, and there are people within the staff who are still with us today; some who have spent as much as 17 years continuously in the staff and have really made tremendous contributions.

When Animal Care started this business in 1966, it assumed the high standards of dedication and service for which the Animal Health Division had a reputation in animal health, disease eradication, and control efforts. That value is one I've tried to continue in my own career with APHIS in Animal Care and in other areas throughout the years. And now, 30 years later, I can see how that tradition of honest even-handed dealing has shaped the progress of animal welfare regulations. I believe that trust in the fairness of the regulating agency is the foundation on which cooperative and collaborative efforts such as, most recently, the IACUCs (Institutional Animal Care and Use Committees) are built. Many of you would agree that partnerships like that hold much promise for progress in the future and

you will hear more about them in today's program. For me, it is critical that honesty, integrity, and open communication characterize the activity of participants in these coalitions. That is the only way they will survive as lasting approaches to animal welfare regulation.

It is easy to respond positively to change when it brings about a condition you want or when you are engineering that change such as we were when we first started enforcing the Laboratory Animal Welfare Act and then the Animal Welfare Act, but it's a different story if you're the subject of that change. I want to say to all of you here today from the scientific community, the biomedical community, I have a great admiration for the real transformation that has occurred over the last 30 years. There are people here today, Dr. Harry Rozmiarek and several others, who really represent that wealth of experience and assistance in this transition. People who are here today from the National Institutes of Health, OPRR, Dr. John Miller, Dr. Nelson Garnett, and others are names that are also very important in this period of evolution.

When the Animal Welfare Act was first passed, there were many laboratory animal veterinarians, such as the ones I've mentioned, who were fighting a lonely battle for better facilities and conditions for animals maintained for research purposes. The support of those professionals was important to us in those early years, and it continues to be gratifying to me to see that, in turn, the Animal Welfare Act has made their voices better heard in their own facilities.

In the beginning, researchers and their representative organizations were almost exclusively opposed to anything proposed under the Animal Welfare Act. In meeting with these groups, I was keenly aware of deeply-held beliefs that underlay this negativity. It was a resolute dedication to freedom of inquiry that motivated a bunch of the opposition, and that concern is still one that deserves our consideration today. But in the succeeding years, we have found common ground in which animal well being and freedom of research can coexist. I know this has come about from our growing awareness of our stewardship and responsibility to earth and its creatures.

I think there was an assist from organizations such as the Scientists Center for Animal Welfare that made a great contribution to finding this common ground. Dr. Barbara Orlans, for example, is here as one of the initiators of SCAW. Lee Krulisch, who currently is the executive director of SCAW, has been a very important individual. Under Lee's leadership, SCAW has sponsored forums and programs that have confronted many contentious issues in the welfare of research animals. These open exchanges have contributed a great deal in identifying that common ground and clarifying disputed areas. And there other organizations that have also been involved.

We've come a long way in 30 years toward being able to piece things together. This was demonstrated recently when we sat down together to have the formal negotiated

rulemaking for upgrading the marine mammal standards. We reached consensus on many of the contentious issues. That consensus will be a great boost toward speeding implementation of rulemaking dealing with marine mammal welfare. With the benefit of 30 years behind us, we can see now that the passage of the 1966 Laboratory Animal Welfare Act was just a forerunner of things to come. The variety of points of view and interests in the program today demonstrates that animal welfare legislation has expanded to additional species and to several additional areas of use other than research. This has brought many more voices into the scene and we are receiving great benefits from that. You'll be hearing from several individuals representing these various groups- exhibitors, pet trade, transportation.

There are many people here from our own Animal Care field and headquarters staff and from other organizations for this occasion. I want to welcome all of you and we're very grateful for your efforts in the work and your presence today. As a broader definition of animal well being has taken hold, the Animal Care staff has expanded to include additional areas of expertise. Who would have imagined 30 years ago that we would be publishing rulemaking on "Swim With the Dolphin" and developing training for handlers of exotic animals? Those are the things that we will be dealing with today. To those of you who are here on your own because of a special interest in animal welfare, a very special welcome. I think that we need to take stock of what we have accomplished so far and find a vision of the future in which our diversity energizes us to greater progress. As Senator Melcher said, "I think we can do better."



## *Thirty Years of the Animal Welfare Act*

### **Congressman George E. Brown, Jr.**

*[Congressman Brown represents the 42nd District of California and has been instrumental in passage of animal welfare legislation in the U.S. Congress. He was unable to attend the symposium, but sent his remarks which were read on the following day at the Animal Welfare Information Center workshop. The speech was published in Animal Welfare Information Center Newsletter (Spring, 1997, 8(1):1-2, 23).]*

I appreciate the opportunity to be with you today to celebrate the 30th anniversary of the Animal Welfare Act. The Animal Welfare Act is this nation's primary federal law regarding animal care, and it sets standards for the treatment of animals by breeders, exhibitors, and transporters, as well as research facilities using animals in research. The passage of the Animal Welfare Act was a monumental achievement, and it has been improved upon through subsequent amendments. However, all of us who work on these issues know that more still needs to be done in the next 30 years.



Advocates of a humane ethic for animals are gaining momentum in this country. This movement gains its strength from a very basic philosophy regarding the sacredness of life. While recognizing the role that animals have traditionally played in society as food sources, companions, and research models, we have to always remember that animals are sensing, living beings capable of feeling fear and pain, and that they must be respected as such.

There are few issues confronting Congress where the advocates hold such an

emotional commitment. Promoting proper care and protection of animals has been a priority of mine throughout my public career. Several issues were being brought before the California State Legislature when I was a representative close to forty years ago. And to be quite frank, these issues are, more often than not, low on the overall political agenda of our policy makers, and are not regarded as the most critical issues of the times.

As you know, politicians are fairly slow to propose controversial changes. To be too far in the forefront of our changing culture, is to commit political suicide. Because of the lack of political motivation and the unfortunate opposition which many times accompanies efforts to improve the treatment of animals, changes made regarding animal welfare laws have been gradual changes over time, designed to keep abreast, or at least to minimally address, changing views in our society. The Animal Welfare Act and the subsequent amendments, therefore, represent important, but moderate, changes made in response to the growing concern about the welfare of animals.

In October 1981 we held hearings in the Science Subcommittee reviewing current practices of laboratory animal care, use, and treatment. The two days of public hearings centered on testimony by representatives from federal agencies, animal welfare societies, and research and educational institutions.

The hearings were a result of an individual's claims to police a month before and the subsequent arrest of a researcher and his animal caretaker on charges that 17 monkeys were being mistreated at a Silver Spring, Maryland research facility.

The subcommittees review also provided grounds for additional Congressional hearings that focused on the Animal Welfare Act. Senator Bob Dole conducted hearings in 1983 and I held hearings in 1984. The testimony presented at those hearings were, by and large, the basis for legislation that we sponsored in 1984 and 1985- the "Improved Standards for Laboratory Animals Act." The purpose of the legislation was to amend some provisions of the Animal Welfare Act (AWA) in light of allegations that the U.S. Department of Agriculture was not adequately enforcing the standards established for the care and treatment of laboratory animals.

This legislation addressed the legitimate concerns which arose from well-publicized accounts of substandard research facilities which had neglected animals and grossly violated animal care regulations. It was basically another step to bring our laws a little closer to the growing concern about the care of laboratory animals. At the same time, the legislation was moderate and did not place an unbearable burden upon research institutions.

The 1985 amendments strengthened standards of animal care by requiring the use of pain killers and presurgical and postsurgical care, requiring animal care training for personnel who work with animals, requiring euthanasia of an animal upon completion of an experiment, and provided for exercise for dogs and a physical environment to promote the

psychological well being of nonhuman primates. The amendments also required the Animal and Plant Health Inspection Service (APHIS) to inspect facilities at least once a year, and to inspect federal agencies' facilities. It also established a national information service [the Animal Welfare Information Center] on alternative research procedures, as well as on ways to reduce unintended duplication of experiments.

Ideally, it would be nice if we could develop sufficient alternative procedures to be able to eliminate the use of live animals altogether, through the use of tissue cultures, computer programs, and other models. I strongly support the development of alternatives to the use of live animals wherever possible. While Chairman of the Subcommittee on Science, Research, and Technology, I held hearings on the use of animals in research and on alternative research methods. In this subcommittee, I had the opportunity to work on legislation providing for the humane care of laboratory animals and which encouraged the development of alternatives to the use of live animals in research.

In addition to the issue of the care and treatment of animals, the problem of lost or stolen companion animals being used for research was also a major motivation for the original enactment of the Animal Welfare Act.

Unfortunately, the Animal Welfare Act has not had great success in preventing lost or stolen pets from entering the research animal trade. This is mainly because the statute allows individuals who gather animals from random sources to be licensed by the USDA to provide these animals to research facilities. These dealers, known as Class B dealers, routinely buy and sell stolen family pets, purchase animals without records from public auctions and "adopt" animals from pounds and families under false pretenses.

For many years, I have been deeply concerned that the pet theft provisions of the Animal Welfare Act are not being adequately enforced. It has been revealed, through the media and through USDA's own Inspector General, that inspectors have knowingly ignored repeated violations of federal laws, including the falsification of records of animal origins, the only way to ensure that stolen animals are not entering the research animal trade.

As Chairman of the Department [of Agriculture] Operations, Resources, and Foreign Agriculture Subcommittee, I held a hearing on the Pet Theft Act during the 100th Congress. This measure was designed to protect household pets from being stolen and sold to research laboratories. This legislation had passed the Senate, but failed to reach the House floor before Congress adjourned.

In April of this year [1996] I joined Congressman Charles Canady in introducing H.R. 3398, the Pet Safety and Protection Act, which would amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

Adequately addressing the problem of pet theft is one of many challenges that APHIS

and the Animal Welfare Act will face in the coming years. In the areas of animal care and treatment the Animal Welfare Act needs to be strengthened and improved upon. This may require USDA coming to Congress and requesting legislation that will grant them greater authority to effectively enforce the Act.

The USDA Inspector General's January 1995 report--Animal and Plant Health Inspection Service (APHIS) Enforcement of the Animal Welfare Act--stated, "APHIS does not have the authority ... to effectively enforce the requirements of the Animal Welfare Act." I am deeply concerned with the agency's ability and willingness to adequately monitor and reasonably ensure the humane care and treatment of animals.

Lack of adequate resources is part of the problem associated with APHIS's ability to adequately monitor and inspect animals and facilities and to enforce the pet theft provisions of the Animal Welfare Act. In the past I have testified before the Appropriations Committee in favor of increased funding for enforcement of the AWA. Members of Congress concerned about the funding levels for APHIS had to be particularly diligent during the Reagan Administration, when repeated attempts were made to eliminate entirely funds to enforce the Animal Welfare Act.

In addition to fiscal constraints however, the Inspector General's report indicates that APHIS has been neglecting its statutory obligations and has renewed facility licenses even when cited violations - past and present - had not yet been corrected. Additionally, APHIS is not inspecting research facilities before issuing the initial registrations, therefore noncompliance with the Act may go unnoticed until APHIS' first inspection up to a year later.

It was clearly the intent of Congress that facilities should come into compliance before being issued the initial registrations. Section 2.3 of the Animal Welfare Act, among others, implicitly gives APHIS the authority to conduct inspections and to deny renewals.

I hope that the advances made through the Animal Welfare Act and other legislation aimed at protecting animals can be improved upon in future years. Much more needs to be done to ensure that the animals in our care are treated humanely. This should not be seen as a threat to the research community. It is simply a reaction of the growing concerns of society, and should be accepted as such. And, it is in the best interest of those who rely on animals to accept this growing change and work with policy makers to develop legislation which addresses the concerns of the animal welfare movement while, at the same time, developing regulations which do not cause unreasonable burdens.

A large portion of Americans feel strongly that animal care laws are important and should be enforced. The Animal Welfare Act has provided a baseline of humane care that is necessary and just. I am hopeful that we can move forward from here and provide a more meaningful level of protection for the thousands of animals under the current jurisdiction of

APHIS. I look forward to seeing us move forward into the next 30 years of the Animal Welfare Act building on past successes and with a progressive approach toward rectifying the remaining problems associated with the enforcement of the Act.



## *Historical Motivation for the Federal Animal Welfare Act*

*Moderator - Dr. Schwindaman*

*It's my pleasure to introduce Mrs. Christine Stevens who will give us a historical background and historical motivation. I think everyone knows that Mrs. Stevens is President of the Animal Welfare Institute.*

**Mrs. Christine Stevens, President,  
Animal Welfare Institute**

I am very happy to be here to celebrate with you and congratulate the many inspectors and supporting staff who have made such a difference in the lives of so many animals over the 30 years since the Laboratory Animal Welfare Act was signed into law. The Department of Agriculture was wisely selected by the Congress as the agency to enforce the statute, but it was touch and go back in 1966 as to whether the National Institutes of Health might snatch jurisdiction away from you. The biomedical establishment is still trying to make USDA inspectors over in their image in the form of the Preceptor program, and it has spent much time and money on weakening the regulations USDA has proposed and, even more importantly, on trying to undermine your resolve to achieve effective enforcement and the decent treatment of animals which is its plain objective.



How did it all happen? And why did it take so infernally long for our country to adopt a civilized approach to the treatment of laboratory animals? Legislation to regulate experimental use of animals was introduced in Congress in 1880 following the lead of the 1876 British Cruelty to Animals Act, but the medical establishment crushed it immediately, and for the next 80 years the animals suffered in silence. No legislation to protect them was even proposed, though their numbers grew and grew.

A war of attrition between anti-vivisection societies and medical research interests went on and on. The Hearst press brought laboratory cruelty and suffering to light repeatedly, but no practical help for animals resulted. It was rumored that Hearst planned a campaign to obtain legislation like the British Cruelty to Animals Act, but he died before accomplishing his aim, and the sterile anti-vivisection debate raged on. On one occasion,

Irene Castle, the famous dancer, tried to carry off a pitiful dog from the University of Chicago, but Dr. Andrew Ivy ran after her and wrestled the dog away.

Dr. Ivy was the Treasurer of the National Society for Medical Research (NSMR). Best known for his claim that apricot pits would cure cancer, he was a fierce defender of the unrestricted use of research animals. "It's your baby or your dog" and "Laboratory animals are more pampered than pets" were typical claims of the NSMR as they promoted animal seizure bills throughout the country. The bills forced humane society shelters to give dogs and cats to laboratories. In a stealthy move in Minnesota, they had engineered enactment before animal protective organizations were aware that an animal seizure bill had even been introduced.

My father, Dr. Robert Gesell, head of the Department of Physiology at the University of Michigan Medical School, shocked the American Physiological Society by taking the microphone at the annual meeting for a short unscheduled speech in which he said: "The National Society for Medical Research would have us believe that there is an important issue in vivisection versus anti-vivisection. To a physiologist there can be no issue of vivisection per se. The real and urgent issue is Humanity versus Inhumanity in the use of experimental animals. Anti-vivisection is their indispensable bogey which must be kept before the-public at any cost."

A widely distributed correspondence with Dr. A.J. Carlson, President of the NSMR, followed. My father included a two-page reprint from *The Lancet*, Britain's leading medical journal, which had published a joint letter from seven distinguished scientists citing painful animal experiments conducted in-the United States and Canada. They invited other scientists to join them in asserting that these experiments were to be "condemned as shocking to a normal human conscience."

Professor Golla described an experiment in which dogs were subjected to 74 strong electric shocks through the metal screen floors of their cages, day in and day out for six months, to study chronic fear. *The Lancet* editorial responding to these letters stated that the British Act of 1876 requires "that an animal suffering from severe pain which is likely to endure should forthwith be painlessly killed whether the main object of the experiment has been attained or not." The editorial went on to say, "Charles Darwin held that to inflict any pain which is not absolutely necessary deserves 'detestation and abhorrence' and all research workers of integrity subscribe to this judgment."

But the Federation of American Societies for Experimental Biology was unmoved. It stated, "Certainly the great majority of experimental biologists and medical research investigators do not want the counterpart of the laws and regulations that the English have imposed, and are entirely behind the Medical Research Pound Bill pending in the New York Assembly." This was an animal seizure bill which was passed, then repealed a few years later.



In 1952, when the newly formed Animal Welfare Institute was denied exhibit space at the Federation of American Societies for Experimental Biology meeting, we were told, "The Federation is unequivocal in its points of view and is not interested in any compromise position." My father's circular letter commented, "The Executive Committee of the Federation categorically denies its members the usual courtesy of acquaintance with facts by refusing to admit an educational display by the Animal Welfare Institute." Parenthetically, I should tell you that AWI has just been denied exhibit space by AALAS, the American Association for Laboratory Animal Science, which is apparently just as unequivocal in its point of view."

At my father's suggestion, I paid personal visits to many distinguished English physiologists, considered the best by my father. Sir Alexander Fleming showed me the window sill on which he had discovered penicillin. I remember his rabbits in spacious cages with room to hop about and sit up.

As I went from one institution to another, I asked each physiologist what he thought of the law under whose strictures he worked, and was much encouraged to learn that none objected and several spoke of the value of the Act in establishing a strong sense of responsibility toward experimental animals in young scientists beginning research.

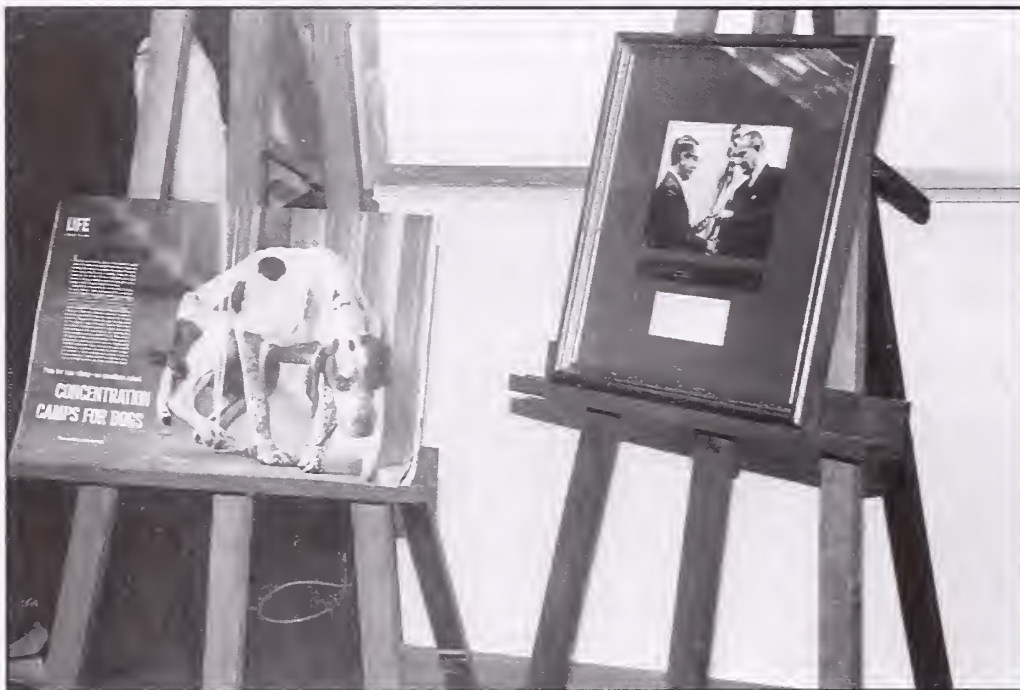
The Universities Federation for Animal Welfare (UFAW), under the leadership of Charles Hume, circulated a letter asking three questions about the views of British scientists on the 1876 Act. He got an impressive response and very interesting contents from a large number of distinguished scientists. Typical were those of Dr. C.A. Keele, professor of pharmacology: "Our Home Office control of animal experimentation is in my view highly successful in preventing irresponsible persons inflicting-unnecessary cruelty and in no way impedes legitimate research. We have always had cordial relations with the Home Office inspectors and have been only too glad to benefit from their advice on animal welfare. The present system of control works in such a way as to create the right attitude towards animal experiments so that research workers come to realize that only by treating animals properly can results of scientific value be obtained. In my opinion lack of control leads to much worthless experimentation which is not only inhumane, but obstructive to scientific progress."

AWI published excerpts from these letters to try to persuade American scientists that a law based on the principles of the British Act should be passed, but the courageous individuals in research institutions were drowned out by the clamor instigated by the National Society for Medical Research and, later, the National Association for Biomedical Research, which replaced it. The bill sponsored by 14 highly regarded U.S. Senators was based on the principles of the British Act, but it never had hearings because Senator Lister Hill, a loyal servant of the National Institutes of Health, never allowed it to come to hearings. There was no mechanism in those days, when Committee Chairmen had absolute power, to discharge the bill, so it languished from one Congress to the next. But in 1965 and 1966, a

series of events took place which led to the enactment of the Laboratory Animal Welfare Act.

In April 1965, the Littlewood Report was completed and delivered to the British Parliament. The book-sized report found that "Animal experiment is a complex and highly specialized subject. It is also a moral and social problem of the first magnitude and one that does not exclusively concern the expert." We provided a copy to every Member of Congress.

Later, Members of Congress received by hand a copy of the 1966 *Life* article about dog dealers. The skeletal dog, whose cringing photo led off the story, was bought by AWI's Laboratory Animal Consultant Dorothy Dyce for \$3.00. Stan Wayman's powerful photograph brought home the horrors of this commerce. Henry Luce published the article after I took him the information Dorothy had collected about the dog dealers. He looked at



*Exhibit of Life article and the pen that President Johnson used to sign the Act of 1966.*

the photographs that documented what she had found, but he said *Life* would get its own. He certainly knew what he was doing. Others at the magazine grumbled that the old man had lost his marbles, but so far from that, *Life* received more mail on "Concentration Camps for Dogs" than any story in the history of the magazine--more letters than *Life* got on Vietnam.

NIH and its parent agency, the Department of Health, Education and

Welfare (HEW), decided to prepare a report for the Secretary on existing policies and practices on humane treatment of experimental animals and a comparison of these standards with interested national and international associations. Two senior staff of HEW's Division of Operations Analysis in the Comptroller's Office were assigned to the task, which they took seriously and addressed completely. They asked animal protective organizations to submit information. AWI and its companion organization, the Society for Animal Protective Legislation, made two of the three submissions. They were explicit and fully documented. AWI's was presented under ten headings:

1. Cages Too Small for Animals to Stand or Lie in Normal Position
2. Failure to Administer Pain-Relieving Drugs After Surgery
3. Failure to Destroy Suffering, Moribund Animals

4. Failure to Supervise Animals After Surgery
5. Failure to Provide a Comfortable Resting Place for Animals
6. Repeated Use of the Same Animal for Painful Procedures
7. Failure to Provide Water
8. Failure to Identify Animals
9. Immobilization of Unanesthetized Animals
10. Filth

When the powers that be at NIH saw the carefully prepared 230-page report, they hurriedly thrust the multiple copies that had been reproduced into storage. No one was to see the report they had paid for because it clearly acknowledged the grim facts about the treatment of the experimental animals financed by NIH. However, Senator Joseph Clark, sponsor of the bill which had not been granted hearings by Committee Chairman Lister Hill, learned of the report's existence and demanded a copy, which we circulated.

But it was the excesses of the random source dog dealers themselves that made it possible to pass the Laboratory Animal Welfare Act in 1966. Many of you know the story of Pepper, the Dalmatian whose photograph in the local paper shocked her owner, who was in the hospital recovering from a heart attack. Pepper was photographed with 17 other dogs and 2 goats temporarily unloaded from a dog dealer's overcrowded truck, and held overnight by the local humane society.

Fay Brisk, a tremendous worker for animal protection, called us for help in restoring Pepper to her family, and Sara Ehrmann, Senator Clark's assistant, knew what to do. She phoned Congressman Resnick, in whose district the big dog dealer Nersesian had a "dog farm" to which Pepper supposedly had been taken by the Pennsylvania dog dealer. Though they had driven all night, the wife and children of Pepper's owner were denied admittance to Nersesian's premises. Resnick, a brilliant freshman Congressman, decided then and there to introduce the bill that bypassed the Health Committee.

Poor Pepper was never found. Montefiore Hospital had put out the call for Dalmatians to dealers rather than to breeders, and by the time the State Police extracted the admission from the Pennsylvania dog dealer that he had taken his load directly to Montefiore, the Dalmatian had died on the operating table and the body was incinerated.

On September 2, 1965, Chairman W.R. Poage of Texas held hearings on the Resnick bill and 20 other bills which had been introduced on the subject. Poage was the author of the Humane Slaughter Act, and he was equally determined to put a bill protecting laboratory animals out of his Subcommittee. Poage's hearings brought about peculiar action in the House Health Subcommittee. The bill, based on the principles of the British Act, had long languished there unheard, but now Congressman Rogers called a hearing for September 30th and 31st on this bill and a much weaker, NIH-approved bill of his own.

Two distinguished British scientists, who had long worked under the British Act, presented highly effective testimony. I testified, too, and was mercilessly grilled by the Chairman. After Dr. Shannon, Head of NIH, testified, the second day of hearings was abruptly canceled, and the record was never published. It appears that the opponents had hoped to discredit and suppress our testimony. Sir Graham Wilson, former Director of the Public Health Service, and Dr. Lawrence Abel, former Vice President of the Royal College of Surgeons of England, who had flown to Washington to testify, were shocked by this arbitrary and unprecedented action. We published their statements in full in the Animal Welfare Institute *Information Report*, but it was hardly the same as the Congressional hearing record.

Quoting from my testimony of September 2, 1965, in favor of H.R. 943:

"Other witnesses will report fully on the infamous Dierolf Farms of Boyertown, Pennsylvania; but I would like to report on our observations of animals in New York laboratories which come from Dierolf. A major client is the Downstate Medical Center of the University of the State of New York whose veterinarian has repeatedly stated that he regularly buys twice as many cats as he actually expects to have requisitioned for research because he counts on a 50 percent mortality of these animals.

"In 1961, I somewhat naively wrote to Mr. James Fendrick, whom we knew when he worked for Smith, Kline & French and who I understand is now executive head of Dierolf, noting a 'complaint to us from one of the laboratories to which Dierolf supplies cats. They say the cats are very thin, that they are often sick, and in the summer they are laden with fleas.' I suggested that the price of the cats be raised so that they could be provided in a good state of health (the laboratory was paying \$4.50 per cat but spending \$4.00 more on each cat to give them temporary protection against cat distemper). I never received an answer to my letter. The laboratory which had asked us to complain was the New York Eye and Ear Hospital. In the course of one of our visits there, we insisted that water be supplied to the animals, little realizing how desperately they needed it. The animal caretaker, angry at being forced to give the cats a bowl of water, roughly seized a large cat and shoved it down in front of the water bowl shouting 'Drink!' Those who know cats will realize that these animals are not naturally obedient and that they resent rough handling. I fully expected to see the cat rush away. On the contrary, when it saw the water, natural feline behavior ceased. It sat there and drank and drank more like a horse than a cat, so extreme was its need for water. Other cats joined it. I hope I shall never again see cats as thirsty as these. They came from Dierolf Farms.

"However, it would be wrong to blame Dierolf Farms alone for this great thirst. The laboratory, just as much as the dealer, should have provided that least expensive but most essential of all necessities for animals, water."

A second set of hearings before Chairman Poage's Subcommittee resulted in House

passage of the Committee bill. The Senate Commerce Committee, under Senator Magnuson's chairmanship, held hearings in March and again in May. Senator Monroney offered an amendment to restore laboratories to the bill, which had been amended by Senate Commerce Committee staff to cover animal dealers only. The National Institutes of Health tried hard to transfer jurisdiction to themselves, but in June the Senate Commerce Committee reported the bill, including the amendment, and in a roll call vote of 85 to 0, the Senate passed the bill. The conferees combined the strongest provisions from both the Senate- and House-passed bills, and the Laboratory Animal Welfare Act was signed into law by President Johnson in the summer of 1966.

The times we are living in now are only a pale reflection of the decisive 1965 and '66, but we have the advantage of being a part, however small, of the establishment, and we have the institutional memory of Congress's action embodied in the distinguished Congressman George Brown, cosponsor with Bob Dole of the Improved Standards for Laboratory Animals amendments.

You will soon be hearing from Dr. Frank Mulhern. I remember that he was jubilant, but surprised that the law's enactment brought so little media attention. He and Dr. Earl Jones, whose untimely death was a blow to the enforcement of the new law, were jointly awarded the Albert Schweitzer Medal for their dedicated work in implementing the Act despite a total lack of funding.

When the law was passed, the Chairman of the Appropriations Committee, whose Congressional district included an especially notorious Trade Day, decreed that no funds at all were needed to enforce the Laboratory Animal Welfare Act. Appropriations, slowly rose from zero to \$300,000; then into the low millions as inspection sites increased in number under the 1970 and 1976 amendments passed by Congress.

Congressman Tom Foley and his wife Heather were devoted to their Belgian shepherd, who outranked all other Congressional companion dogs as Mr. Foley rose to Agriculture Committee Chairman and finally Speaker. However, when Senator Dole became Majority Leader, his wife Elizabeth presented him with a schnauzer who needed a home and named him Leader. His small portrait in oils adorned a table in Bob Dole's waiting room where petitioners from the Society for Animal Protective Legislation often waited in the course of the long struggle to pass the Improved Standards for Laboratory Animals amendments to the Animal Welfare Act. These most important of all the amendments since 1966 created the Animal Welfare Information Center at the National Agricultural Library which has grown in stature and dedication to the Congressional determination that created it.

To trace the historical motivation back to its original source, we must look to English scientists again. W.M.S. Russell and R.L. Burch, working together under a grant from the Universities Federation for Animal Welfare, wrote the book, *The Principles of Humane*

*Experimental Technique*, in which the "Three R's" first made their appearance: Replacement, Reduction and Refinement, as applied to animal experiments, put emphasis on finding alternatives to animals, reducing the numbers of animals, and reducing pain and distress when animals are used.

I would like to close by reading you some of the testimony I submitted in favor of the legislation in those watershed years 1965 and 1966, for it makes clear that the basic motivation for enactment of the Animal Welfare Act came from the shocking mistreatment of animals by dog and cat dealers.

"Today the Congress is considering legislation to put a final end to the use of random source Class B dealers who have visited so much hideous suffering on dogs and cats sold to laboratories. It is clear that suffering is not only completely unnecessary but seriously counter-productive to biomedical research. Let's hope that the Congress will come full circle and remedy the cruelty which inspired the enactment of the Laboratory Animal Welfare Act.

On March 7, 1966, I testified:

"While it is indeed a crude way to measure suffering, mortality of the animals involved is, at any rate, a definite one. Mortality on the order of 30 percent or 40 percent has been reported by laboratories receiving monkeys. For example, at the 1964 meeting of the Animal Care Panel in New York City, Dr. R.L. Miller, veterinarian at the Bionetics Research Laboratories, Inc., Falls Church, Virginia, told about his problems in importing pregnant female monkeys. He didn't want to wait a year, which it would take if they bred their own, so he imported pregnant monkeys. It regularly happened that one-third of the monkeys would die in transit because of their handling. As for the infants of the remaining monkeys, half were born dead, and many were born prematurely.

"Mortality of dogs and cats purchased from dealers is reported at 40 percent and 50 percent. It would seem almost incredibly wasteful to continue with such a system; but I was informed by Dr. Shaffer of Downstate Medical College of the University of the State of New York that he had no complaints about the 'clinical appearance' of the cats supplied to him by Dierolf Farms (the big dealer, notorious for his resilience in brushing off convictions for criminal cruelty to animals and continuing business as usual). Dr. Shaffer telephoned me expressly at the request of Dierolf Farms, who, he pointed out, had approached him at the last meeting of the Animal Care Panel in Philadelphia and requested him to call me about a letter in which I referred to cats from Dierolf Farms as 'ill, dehydrated, and in some cases dying' and pointed out that it has been the policy of Downstate Medical Center to purchase 50 percent more cats than are actually needed because the mortality is so high.' Dr. Shaffer stoutly maintained that this mortality has 'nothing to do with the dealer' and that purchase of cats from a dealer or animal pound would bring the same risk. He stated categorically that there is 'no choice between them'. Dr. Shaffer said he could see no way of controlling cross-infection which kills the cats and that it has 'nothing to do with how a man keeps his

cats.' That, he said, was the reason, after Dierolf approached him at the Animal Care Panel, that Dr. Shaffer decided to telephone me. I challenged Dr. Shaffer on his assertions, asking him what data he had to back him up so far as laboratories other than his own are concerned. He said such data would be impossible to obtain because, as he put it, 'The fact is, they don't keep records. The thing is, these animals die, and that's the end of that.'

"Another report on deaths of animals purchased from Dierolf Farms came in the course of a radio program on which Dr. Levowitz of Brooklyn Jewish Hospital appeared last month [February 1966]. He stated that the Institution had 40 percent "attrition" on the dogs purchased. Or, in layman's language, 40 percent died before they could be used for experimentation.

"The extent to which sickness which does not actually kill the animal, nevertheless, affects the outcome of the research, is not easily measurable. However, an instance was reported by the veterinarian in charge of animals at a commercial laboratory in which a product was condemned as dangerous and unsaleable because all the dogs which were given it died. Two years later, the same test run on healthy dogs indicated that there was no danger at all. All the dogs survived, and it was then learned that the first group of dogs had succumbed to distemper. It would have been too bad if the material being tested had been a long-sought curative drug discarded because it was believed to be poisonous. Such a scientific error could mean that an important discovery could be lost for years or even forever if no one suspected that the animals had been sick.

"Yet, general sickness originating with the animal dealers is often tolerated in laboratories. On one visit to the Berg Institute at New York University, we complained about the coughing and sneezing and running noses in the rabbit colony. We were curtly told that the rabbits in New York laboratories were sick.

"When I complained to Mr. Berton Hill about listing the names of cruel and insanitary animal dealers in the Directory of the Institute of Laboratory Animal Resources (National Academy of Sciences, National Research Council), he told me of a case in which one of the suppliers of rats had such excessively dirty conditions that a new and previously undiscovered disease of rats apparently developed on his premises. Such diseases can be transmitted to whole colonies of animals when sick animals are purchased. It may mean an epizootic, destroying long-term research projects. However, Mr. Hill said he had no authority to omit from the NAS-NRC listing the names of dealers who had animals for sale, regardless of the conditions under which they were kept.

"Thus, it may be seen that the health and well-being of animals on dealers' premises is intimately tied in with those in the laboratories themselves and that it is of prime importance, both for the welfare of the animals and the proper conduct of research, that minimum standards be set and enforced throughout. The unaccountable reluctance of scientific groups to act with firmness to stop abuses means that it is up to the Congress to supply the

mandatory standards and inspection.

"Breeders, dealers, scientific institutions and manufacturers of equipment for sale to laboratories all have a vested interest in animal experimentation, whether or not it produces results beneficial to humanity. It is beyond their powers to police themselves, for there are too many pressures preventing them from doing an honest and effective job.

"Therefore, we earnestly request the Congress to enact this Poage bill, H.R. 12488, which can, through inspection and licensing, promptly bring an end to the widespread abuses in the handling and housing of animals by those who sell and those who buy experimental animals and which will prevent theft of pets -for sale to laboratories."



## 1966 Laboratory Animal Welfare Act

*Moderator - Dr. Schwindaman*

*Dr. Frank Mulhern was Director of the Animal Health Division at the time the first Animal Welfare Act was passed and became the first Administrator of the Animal and Plant Health Inspection Service. We are very pleased this morning to have Dr. Mulhern.*



**Frank J. Mulhern, D.V.M., APHIS  
Administrator, Retired**

Good Morning, I have had many challenges in the past when speaking before groups but this will be a new one so bear with me. I have to tell about four years experiences that happened 30 years ago and do it in 15 minutes.

Mrs. Stevens presentation provided the background to appreciate why such an Act was needed. Can you imagine how strong public opinion about cruelty to animals was at the time when she said, *Life Magazine*, one of the most popular pictorial magazines of the time, received more letters from its readers on the article depicting an emaciated dog in an article

headlined, "Concentration Camp for Dogs" than it did on any of the articles published about the Vietnam War? Can you imagine that this Act was passed during the time that other movements, such as civil rights, contamination of the environment, pesticide residue in the food supply, and fear of a nuclear attack were taking place.

At that time, the Animal Health Division was very involved in the eradication of brucellosis in cattle, goats, and swine; hog cholera, sheep scabies, and scrapie, and screw worms that affected all warm-blooded animals and, if not treated, could kill them. We also had responsibility for the enforcement of the 28-Hour Law pertaining to the interstate movement of livestock. My first contacts with members of the Animal Welfare Institute were during the 1950s when Mrs. Stevens was trying to upgrade the humane slaughter of animals in meat processing establishments.

They were meeting with the Meat Inspection Division which was part of the Bureau of Animal Industry. She demonstrated that she had the ability to get things done in the bureaucracy and not accept the status quo.

I was pleased that those responsible for passing the Laboratory Animal Act of 1966 made sure that the veterinarian must supervise care of animals in research laboratories. I was really pleased that USDA delegated the responsibility for its implementation to the Animal Health Division, even though we had done nothing to seek it.

Back in the 60's, there were some people who were real advocates to see changes made in the laboratories that used animals in research and the dealers and markets that provided them. There were some who thought the advocates for the changes were extremists. Others couldn't care less about the whole issue. Undoubtedly, the enforcement of the Act over the years and the amendments to it have changed a lot of minds in our society but I'm sure that there are some who think that we have gone too far.

During those times, we could get active support from the livestock industry, USDA, Congress, and the public when we stressed the eradication of diseases, but the reaction to animal welfare was like asking for a fringe benefit. It was amazing how far some people would go to block requests for funds for animal welfare.

At the Division level, we would ask for a needed amount to enforce the Act. However, by the time it got through the budgetary process within USDA and OMB (Office of Management and Budget) it could be substantially less. Then the real challenge to me was to go before a congressional committee and defend the lesser amount. However, some congressmen who knew the process, like then Congressman John Melcher and now Senator Melcher who is in today's audience, would ask how much did your division request initially?

The passage of the Act really shook up the research community. They were saying, "No, it's impractical, will hinder research, will add increased costs due to overhead etc." Some called the animal welfare supporters the so-called, "Do gooders" in a derogatory sense. Research had its own AAALAC (American Association for Accreditation of Laboratory Animal Care) to see that these responsibilities were met, so according to many of its members, the law was purely duplication of responsibilities as far as they were concerned. This problem with the research community gave me quiet a dilemma since my roots were in the old Bureau of Animal Industry and the Agriculture Research Service (ARS) and we always had good working relationships with our peers in NIH (National Institutes of Health) and other research organizations.

There were many research laboratories that complied fully with the requirements of the Act. However, there were some that outwardly were opposed it being in USDA. At the same time, I was impressed with the dedication, sincerity, self sacrifice, tenacity, commitment, and personal involvement of many of the animal welfare representatives that were eager to see that the law be enforced. Mrs. Stevens mentioned some of those I have in mind in her presentation.

Over time, many of the major differences between research interests and animal

welfare workers were reduced or resolved but it took a while. I had tried to rationalize why the research community was permitting some of the conditions to exist that people like Mrs. Stevens and others found. I thought maybe they saw this Act as being detrimental to lab animal research due to added costs such as overhead. I knew that within USDA, ARS always had to compete with other research units for their share of the budget. Requests for improved facility funds that would replace those for specific research needs were not given top priority. Maybe the same was true within NIH or other research institutions.

Later, some researchers told us they had to defend their facilities because there wasn't enough money in their budget within their organization at the time to upgrade them. Others, said because of the Act, they got upgrades that they had been requesting for some time. However, one could only conclude that some of the conditions found, simply indicated an insensitivity on the part of some research workers or those in charge as to the pain being inflicted on the animals or the unsanitary conditions in which some of the animals were being held. This was especially true when our people checked the practices of those engaged in the marketing and transportation of animals to the research establishments.

There were numerous challenges in that there wasn't research to support some of the changes that we were trying to implement. We couldn't draw conclusions about animals experiencing pain from the expressions or behavior of the animals during research. Perhaps those supporting the changes were ahead of their time. I was really impressed with the presentations of those today who were reporting on the current studies relating to the physiological and psychological effects on certain systems within the animal's body as they endured stress of various types.

Since the 60's, there has been greater empathy with the feelings of the animals probably related to the humanization of animals by the Walt Disney characters and animal welfare supporters. I was pleased that there were leaders within our Division involved in the implementation of the Act like Earl Jones and after Earl's untimely death, Dale Schwindaman. The implementation of an Act like this one is always the most difficult during the early years of its implementation. I think that Dale has done an outstanding job as well as Bob Whiting and Richard Crawford and those that reported to them such as Frank Germanic and all those in the various states that were dealing with the problem at the grassroots level.

Because of our experience in combating animal diseases, we knew to get action at the state level, and we had to get the animal health officials involved. So the United States Animal Health Association established a Laboratory Animal Welfare Committee which I chaired in 1967 and 1968. In 1967, the committee proposed that there be a model state law involving shelters, pounds, and pet shops. The following year, the committee drafted such a law to be sent to the Council of State Governments to get uniformity of such laws throughout the country.

Dr. Grant Kale, state veterinarian of New York then took over as chairman of the committee and did an outstanding job. He was personally motivated to implement an effective program of animal dealer control due to his experience with some unscrupulous dealers in his state. He was very effective in having the Association understand the seriousness of the problem and to take action to correct it.

We in APHIS, a regulatory agency, had a unique experience in implementation of the Laboratory Animal Welfare Act. We didn't have to depend solely on our employees to determine how the Act was being implemented. The follow-through by those who got the law passed was terrific and they pursued their interest relentlessly whether it pertained to the laboratories, dealers, market owners, the Animal Health Division, the Secretary of Agriculture, OMB, or Congress.

In conclusion, there were some tumultuous times but looking back at the 60's, most of the major differences were reduced if not resolved. We are indebted to all those who were involved and it was not done by a few. We represent the many in all the states that made it possible both in and out of governments. That's how things get done in our democratic system.

One question asked during the question and answer session was why was the responsibility of the Act placed in USDA? My answer is the people who were mentioned earlier, who were responsible for getting the Act passed, were frustrated trying to get the medical research community to correct the situation. They then used their influence to have Congress place the responsibility within USDA. I should have also stated that USDA did nothing to acquire it.

That is my recollection of what happened in the 60's relative to the Act. Even though we were proud of what was accomplished we know we left a lot to be done. Thank you very much.

## 1970 Amendments



**Dr. Dale Schwindaman, Deputy Director, APHIS, Animal Care**

The first Laboratory Animal Welfare Act was very restrictive in its coverage. It essentially revolved around the use of dogs and cats that were purchased by dealers, or sold by dealers, for research purposes. They had to cross state lines and there had to be government funding involved before the research facilities had to register and the dealers had to be licensed. Because it revolved around dogs and cats, they were the two principle species. If you were licensed as a dealer or registered as a research facility then four species came under USDA's jurisdiction. Those were dogs, cats, non-human primates, guinea pigs, hamsters, and rabbits.

Another important element for us to recognize in this evolutionary process is that this very first act limited USDA's authority within the research facility. We only went up to the laboratory door, so to speak. Where the animals were located, that was our jurisdiction as far as humane care and use standards. In 1970, there were a series of amendments to the Animal Welfare Act which changed it considerably and expanded USDA's jurisdiction tremendously. I will just take a minute to identify some of these.

Number one, it no longer depended on animals crossing a state line. There was a term placed in the statutory language that said "affecting commerce." This gave us jurisdiction within the state, as long as the activity had some impact on interstate commerce. That was a very important distinction. Another was an expansion of the definition of animal. I mentioned two key species with four additional species in the original Act, but now it was expanded to all warm-blooded animals that were going to be used for research, exhibition, or as pets at the wholesale level. So you can see that there was a tremendous expansion of responsibility as far as USDA was concerned. Adding all these users of animals to the regulations and requirements really increased the USDA responsibility and need for field enforcement.

In the 1970 amendments there were a few things that were perceived at the time to be relatively minor but that I think are important. One was that USDA had to supply an annual report to Congress covering the use of animals for research purposes. That annual report to Congress was first sent up in 1972. It required the research facilities to report on their use of animals to USDA. We compiled this data and put it in the form of a report to Congress. This information then became available when Congress released the report.

Adequate veterinary care was one of the eight requirements for which we had to develop standards back in 1966 and where we commissioned the Institute for Laboratory Animal Resources [ILAR] to get expert committees together to assist us in drafting those first standards that were published under the Laboratory Animal Welfare Act. Part of my responsibility was to work with the ILAR committees and come up with some minimum standards, because remember, this statute required that they be minimum standards. That was a very exciting time for me, a very challenging time to work with these people, because you really did not have any scientific data. I personally reviewed all the literature that I could find, some 225 articles, in preparation for this. Because there was some concern as to whether, according to regulation, exercise for dogs should be required. I reviewed all those articles, did not find any scientific evidence to support that. I reported in my report to Dr. Mulhern at that time that although there was not any physiological justification for requiring exercise for dogs, I felt that there was a thread running through many of these scientific articles that we were going to have to look at the psychological well-being, the behavioral aspects of dogs at some time in the future. It took a long time to come, but I did recognize that in reviewing the literature at that time. That to me is just a personal thing that I thought was very interesting.

In developing the regulations and standards under the 1970 amendments, again that seemed to fall on me as the chief in the research area on the Animal Care staff and it was quite exciting. Not having very much information available, which we do now through AWIC, made it that much more challenging in working with the scientific biomedical community and humane interests in trying to find the balance. What should be the minimum requirements for the care and use of these animals? I remember not having that scientific justification and trying to maintain this balance. There were a number of issues that I felt were very important in writing these standards. I went in and told Dr. Mulhern that I really didn't justify what I was writing on a scientific basis, but that I felt what I was proposing was right for the animals. When Dr. Mulhern heard this, what he said to me was, "You are not going to be able to find scientific justification for all these things that you are going to have to propose. You are just going to have to remember that you are going to have to play God for these animals at this time." That's kind of an interesting thing for Dr. Mulhern to recognize in 1971. So those were the things that occurred with the 1971 amendments.

I would like to show the slide so that you have an idea of how the 1970 amendments expanded for the USDA people that were involved with the program because of the expanded requirements for the users of animals and the definitions of 'animal'. Our interested public evolved from dog and cat dealers and research facilities that had to be registered to covering the circuses, carnivals, exhibitors, zoos, pet owners became very interested, breeders of animals. We covered all warm-blooded animals, however, we did exempt through Secretarial discretion, certain species at that time. The walking horse industry became involved because in 1970 there was another piece of legislation passed which became the responsibility of the USDA and Animal Care program, and that was the Horse Protection Act of 1970 which also was amended in 1976.

## 1976 Amendments to the Animal Welfare Act

### *Moderator - Dr. Schwindaman*

*We will now continue with this historical perspective on the governmental regulations. Our next speaker is going to cover the Animal Welfare Act of 1976. Dr. Bob Whiting. Bob was on the Animal Care staff at that time and is the principle author of the transportation standards. He is retired from USDA and is currently with the Virginia Department of Agriculture. I'm glad to see Bob back because he really worked hard. In my archives I must have about three to four inches of things I've kept relating to the things that we developed in 1976. So Bob, it's a pleasure.*

### **Dr. Robert D. Whiting, Chief, Veterinary Services, Animal Industry Services, Virginia Department of Agriculture and Consumer Services**

The 1976 amendments to the Animal Welfare Act addressed several important but very different aspects of animal care -- namely, transportation of animals and animal fights. Several graphic incidents of death in animals being transported both on the ground and in the air were found to be caused by a lack of sufficient ventilation and/or extreme temperatures. These became the clarion call for changes in the Animal Welfare Act.

The badly mangled dogs, the survivors of organized dog fights, as well as the bodies of the dogs who paid the ultimate price as a loser in such fights, angered veterinarians and the caring public. Thus a move to outlaw animal fighting ventures found new support for legislative change.



With respect to animal transportation, the 1976 amendments did several things:

- (1) It defined a carrier as any enterprise transporting regulated animals for hire and required them to be registered. This included airlines, railroads, motor carriers, shipping lines and other enterprises. As a carrier, all the facilities where animals are kept or held are regulated, including terminals and freight storage.
- (2) It also defined an intermediate handler as any person (with some exclusions) who is engaged in any business in which animals are received in connection with their

transportation in commerce.

- (3) Directed the Secretary of Agriculture to promulgate standards to assure humane treatment of animals during transportation. The standards were to include requirements for shipping containers, feed, water, rest, ventilation, temperature and handling.

Creating these standards was not an easy task and the law set a deadline of nine months after enactment of the law (April 22, 1976) for the Secretary to promulgate regulations relative to carriers and intermediate handlers.

In particular, very little scientific work had been accomplished relative to the minimum and maximum temperatures tolerated by the covered animals. Except for the experience of manufacturers of animal shipping containers which were then available, data for determining construction and ventilation requirements was not available from the research community. Information was gathered from all sources and fortunately subsequent experiments verified the construction and ventilation requirements set by the Department.

In connection with transporting animals covered by the Animal Welfare Act, especially puppies, the practice of shipping such animals "COD" (collection on delivery of costs for the animals and their transportation) too often ended in disaster. The animals had already suffered the stress of transportation and then, when not accepted at destination as a COD delivery, such animals were left in limbo with no one willing to take responsibility for the costs of returning the animals to the shipper. The 1976 amendments would not allow the shipment of covered animals where the cost of the animal and/or its transportation was to be paid on delivery to the consignee unless the consignor guaranteed the payment of transportation charges for any animal not claimed within 48 hours after notice of arrival to the consignee. Any additional costs for feeding, care, and storage of such COD delivered animals were also to be paid by the consignor.

The other major part of the 1976 amendments which dealt with animal fighting ventures was overwhelming supported by all interested persons. Staged dog fights, bear or racoon baiting, and similar animal fighting ventures were prohibited with stiff penalties for connected sponsors and promoters. Cock fighting was more controversial and some States had no law against them. Consequently, the amendments outlawed fighting ventures involving live birds only if the fight was to take place in a State where it would be in violation of that State's laws.

The amendments took particular aim at dog fighting. It was unlawful to knowingly sell, buy, transport or deliver or receive for purposes of transportation in interstate or foreign commerce, any dog or animal for purposes of participation in a fighting venture. Even use of the mail service to promote animal fighting, except outside of the United States was unlawful. Because of the dangerous nature of the animal fights and the people involved, the



Secretary was authorized to obtain the assistance of the Federal Bureau of Investigation, Department of the Treasury, and other law enforcement agencies of the United States, State and local governments. Seizures of involved animals under duly executed warrants was authorized.

On a lighter note, when the Department was trying to estimate the costs of administering the 1976 amendments, especially for the animal fighting ventures, cost of bulletproof vests and track shoes (for quick retreat) for APHIS employees was considered. It was an area for which APHIS employees had no experience and for which there was some reluctance to be included in such a dangerous venture.

The 1976 amendments to the Animal Welfare Act targeted some very controversial issues and provided a legal mechanism to correct them. The law obviously did not solve all the problems but it made a large and important impact on the campaign to provide a better life for animals.



## ***1985 Amendments: The Improved Standards for Laboratory Animals Act***

***Moderator - Dr. Schwindaman***

*To discuss the very important 1985 amendments, the Improved Standards for Laboratory Animals Act, we have our Assistant Deputy of Animal Care from our organization, Dr. Richard Crawford.*

**Richard L. Crawford, D.V.M., Former Assistant Deputy Administrator, APHIS/AC**

1978 through 1990 was a time of considerable change for Animal Welfare. The first major change occurred in 1978. At the urging of the Marine Mammal Commission of the National Marine Fisheries Service, the marine mammal industry, and others, proposed standards for marine mammal care and housing were published. In 1979, final marine mammal standards were published and marine mammals were brought under regulation.

At this time, as in the past, all regulations were developed by the individual staffs and were usually quite specific. This type of regulation has since been termed "Design" or "Engineering" standards. The marine mammal standards are a good example of this type of regulation. However, marine mammals do have more stringent needs and requirements than most other regulated animals so this type of regulation was appropriate. The Department had not previously been involved with marine mammals so regulation required a lot of new training and learning on behalf of all of us in Animal Care.

During the first three or four years of marine mammal regulation about four or five of the poorest facilities closed and went out of business due to failure to comply with regulations. Thus there was a general overall improvement in the facilities and care of the animals due to the regulatory impact.

In 1984, at the request of marine mammal experts, the marine mammal standards were revised so as to better reflect the needs of the animals and to include additional information that had been obtained on marine mammals. The listed sizes of some marine mammals were changed, some space requirements were increased and other minor changes were made to further improve the care and housing of these animals.



From 1984 through 1985, the Animal Care Staff started a review and revision of Parts 1, 2, and 3 of *Title 9 Code of Federal Regulations (9CFR)*. Many of the regulations were published between 1967 and 1978 and were in need of updating. This work was going on during most of 1985.

The second change came in December 1985 when The Farm Bill with the Improved Standards for Laboratory Animals amendments to the Animal Welfare Act was passed. This made major changes in the research area and established new concepts in the regulation of research facilities. Things such as: IACUC (Institutional Animal Care and Use Committee), relief of pain and distress, limiting survival surgeries, exercise for dogs, psychological well-being for nonhuman primates and the establishment of an information center at the National Agricultural Library (Animal Welfare Information Center (AWIC)) were required by law. AWIC was established in 1986 and has become a very valuable resource for the Animal Welfare program and the research community. It has the possibility of doing much more and, hopefully, it will continue to grow in the future and to expand its data base and resources, particularly in the area of farm animals, alternatives, and unnecessary duplication of research.

By 1987, the first proposal for the 1985 amendments, plus other revisions, were published in the usual "Design" or "Engineering" format with specific requirements which also included a pain classification system. This proposal was developed and written in the Animal Care (AC) staff. Approximately 8,000 comments were received on this proposal - mostly negative.

Then things really started changing! After the first proposal Dr. Glosser stopped by the Animal Care staff and was not pleased with what he saw -- 8,000 comments stacked on a table with one person going through them. This resulted in the establishment of a team review/analysis of the comments and the regulation writing being transferred to the Regulation and Policy Development staff, which resulted in both apprehension and relief by the Animal Care Staff and has worked very well since then.

Next, The White House, Office of Management and Budget, and everyone else came down on the Department for publishing "Engineering" standards and demanded that the regulations be redrafted as "Performance" standards. In this manner we all became aware that the Administration wanted all regulations done in the "Performance" format. Thus USDA was the first agency required to implement this concept. We were also informed that all rulemaking had to have an economic analysis and that an Economic Impact Statement had to be prepared which caused further delays in rulemaking.

A bigger change occurred in 1988. Animal Care was removed from Veterinary Services and REAC (Regulatory Enforcement and Animal Care) was formed to give Animal Care more visibility and importance. This made major changes in program operations, reporting procedures, lines of command, methods of inspection, etc. and further slowed the

regulatory process and field enforcement for awhile. The benefits, however, were full-time people that had an interest in the program, inspectors that could stay current on the regulations and could develop a better rapport with the regulated industries, and they made better inspections. There still are not enough inspectors to do the job but things are better than they were.

The last change occurred from 1988-1990. Close consultation was finally begun between NIH (National Institutes of Health) and APHIS and a second proposal for the 1985 amendments, in the "Performance" style, was published in 1989. Through continued consultation with NIH, the final "Performance" standards for the 85 amendments were published and became effective.

Almost 36,000 comments were received and reviewed on the two proposals and the final rule for the 1985 amendments and one unexpected impression stuck in my mind. After reviewing most of the comments, it became very obvious that the majority of the people involved in the research community, from the investigators to the CEO or Deans, were totally unaware that their research animals had been under regulation by the USDA for the previous 20 years. They thought that this was something new and unnecessary. I believe that by now, this unfortunate misconception has been corrected and most people in the research community are well aware of the requirements of both NIH and USDA.

The performance standards appear to be working in most instances, with a few exceptions here and there, and things seem to improve each year. One unexpected result of the 1985 amendment is the carryover of environmental enrichment efforts to species that are not required to have it by regulation. Many species of research animals are benefiting from the environmental enrichment requirement. Also, investigators and research facilities are becoming more adept at searching for alternatives, reducing pain and distress, and implementing the three R's -- Refinement, Reduction, and Replacement. I look forward to continued improvement in these areas to the benefit of all animals used in research. The changes still continue and, although some of them do not seem to make much sense at this time, I am sure they will be of benefit in the future. Thank you.



## ***Pet Theft Act of 1990***

***Moderator - Dr. Schwindaman***

*The next piece of legislation was the Pet Protection Act of 1990. Here to bring us up to date and discuss this is Dr. Debra Beasley who is currently with the Animal Care staff.*



**Debra Beasley, D.V.M., APHIS, Animal Care**

Good morning and welcome to our distinguished guests, former and present USDA employees, and all other interested individuals. Thank you for taking the time to share this opportunity as we reflect on the history and envision the future of the Animal Welfare Act as mandated by Congress. I would like to briefly speak on the historical occurrences that led to the establishment of the fourth and most recent amendment to the Animal Welfare Act, better known as The Pet Theft Act of 1990 or Protection of Pets.

The United States Congress listed three items under Section I (b) of the AWA that serve as a framework for the laws and regulations that provide for the welfare of animals when they are used for regulated activities. The three items are:

- (1) to insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment.
- (2) to assure the humane treatment of animals during transportation in commerce and;
- (3) to protect the owners of animals from theft of their animals by preventing the sale of animals which have been stolen.

Between 1976 and 1988 the public perception of stolen pets, especially for use in research, was quite significant in many parts of the country. There were reports, some which were substantiated, of individuals referred to as "bunchers" in nondescript vehicles entering residential areas followed by the disappearance of pet animals. It was believed by some that the missing animals were taken to auctions and sold to B Dealers destined for unknown locations but eventually to be sold to research facilities. The literature contains reports of a couple of documented instances where apparently stolen dogs were retrieved by their owners

from research facilities. In addition, there are also documented instances of pet theft by deception. Owners of dogs and cats would advertise "free to good home" and the animals were actually obtained by individuals who sold them to B dealers who in turn sold the animals to research facilities.

On March 31, 1987, the USDA published in the *Federal Register* that there was a problem with the acquisition of animals by dealers and to some lesser extent research facilities. The *Federal Register* says, "In the past few years there have been several instances of dealers buying and selling obviously stolen animals and of a few research facilities obtaining animals under questionable circumstances." This particular issue of the *Federal Register* was published to address the development of proposed regulations associated with the 1985 Amendments to the Animal Welfare Act (AWA) and not the specific topic of Pet Theft.

In 1986, Senator Wendell Ford of Kentucky became concerned with the issue of stolen pets in his state, especially with the presence of out-of-state dealers and bunchers, purchasing animals from Kentucky auctions and the perception of stolen animals being channeled through these auctions. In April 1988, as stand-alone legislation, Senator Ford introduced the Stolen Pet Concern bill S.2353 in the Senate which passed unanimously following negotiations. This bill would have: (1) limited the sources of animals available to B Dealers (cannot acquire dogs from other B dealers including auctions), (2) required at least a 7-day holding period of random source animals by certain entities, (3) certification requirements, and (4) specific enforcement measures.

Senate hearings were not held on this bill. However, a hearing was held in the House of Representatives on September 28, 1988. At this hearing the Department of Agriculture testified that, "the intent of S. 23 5 3 is consistent with the intent of the original Animal Welfare Act, we believe that achieving the objectives of the Animal Welfare Program requires us continually to examine our regulations and recommend alternatives through the rulemaking process that will continue to meet program objectives. Mandating by statute, requirements that are better developed administratively, will hamper our ability to use the regulatory process to make changes that may enhance our enforcement effort." In this case, the Department opposed legislation that would limit the Secretary's regulatory authority. Even though this bill was not passed by Congress, it was unique in its origin. It was a piece of potential animal welfare legislation that was not initiated by an animal concern group.

In spite of the death of the Pet Theft Act of 1988, the issue of Pet Theft or Protection of Pets was not a dead issue. It was dusted off and brought back to life in an abbreviated form by the Senate as part of the negotiations for the 1990 Farm Bill. There were no additional public hearings in the House of Representatives or the Senate on Protection of Pets or Pet Theft.

The Senate held discussions with interested groups including those concerned with



animal welfare, the animal use industry, and the Department. The outcome of the discussions and negotiations was passage of Protection of Pets legislation that was included in the 1990 Farm Bill and was signed into law November 28, 1990. It required that dogs and cats be held for at least five days at pounds and shelters (both government or private) and licensed research facilities before they can be sold to a dealer. This 5-day holding period is designed to allow pet owners and prospective owners the opportunity to claim or adopt the animals before they are sold for research. There are also requirements for record keeping and certification and specific provisions for enforcement. The legislation does not include the requirement that the animals be held to include a Saturday, but the Conference Report of the approved Farm Bill (Oct 22, 1990), contains the wording " the Secretary of Agriculture is directed to urge pounds, shelters, and other entities holding dogs and cats to keep animals for at least one Saturday in order to provide individuals a reasonable opportunity to recover lost pets or to adopt new pets".

On November 15, 1991, APHIS published for public comment proposed regulations for implementation of the Protection of Pets legislation. At this time, APHIS also acknowledged that the implementation of the proposed regulations did not constitute a major rule because it did not have a major effect on the economy and would not cause a major increase in costs for consumers, individual industries, Federal or local governments, geographic regions, and would not affect the ability of US industries to compete with foreign-based enterprises in domestic or export markets. The proposed regulations included the 5-day holding period for specific entities to include a Saturday, specific certification and record keeping requirements, and a definition for pound or shelter. Pound or shelter is defined as a facility that accepts and/or seizes animals for the purpose of carrying for them, placing them through adoption, or carrying out the law enforcement, whether or not the facility is operated for profit.

Forty nine comments were received from the academic and research communities, biological supply companies, municipal animal holding facilities, humane organizations and other members of the general public. The final rule was published in the *Federal Register* on Thursday, July 22, 1993, effective date August 23, 1993. Based on the comments, the final rule was modified to make it clear that the proposed rules only applied to live animals that were being sold or in any way provided to a dealer by a government, private or contract pound, or licensed research facility dealing in random source dogs and cats. The proposed rule was also modified to require that mix breed dogs be identified by the two most dominant breeds or types.

In review, Protection of Pets began as The Pet Theft Act of 1988 as the result of a United States Senator's concern about the theft of pet animals for use in research. That particular piece of legislation was not passed by Congress. However, they believed it was important for pet owners to have the opportunity to claim their missing animals from pounds or to adopt a new one before they are sold to research. Congress also acknowledged it was important for USDA inspectors to have the use of mandatory certification and record keeping

documents to trace animals back to the source. These concepts were used as the basis of the Protection of Pets legislation of 1990 to prevent the use of stolen pets for research. The Protection of Pets amendment is located in Section 28 of the Animal Welfare Act.

Thank you for this opportunity to speak with you.

## ***USDA, Agricultural Research Service***

***Moderator - Dr. Schwindaman***

*We will continue on with Dr. Lew Smith who is with the Agricultural Research Service (ARS). Dr. Smith is the National Program Leader for Animal Nutrition.*

### **Dr. Lewis Smith, National Program Leader for Animal Nutrition, USDA, ARS**

Things have changed slowly, and in some cases things have not changed at all. I can remember back in the sixties, because I was with the Agricultural Research Service then. There was considerable concern among the scientists about the impact of how all those changes were going to affect farm animals. I need to point out that the majority of our research is with production farm animals, and as of yet, they are outside the Act although we do research and accept grants from agencies within the Act. I am only going to talk about the last ten years within the Agricultural Research Service because that's when things started to happen related to humane care in farm animals and how we dealt with some of the concerns and issues.



I joined the program staff in 1987. Previous to that time, I was a manager of research in Beltsville at what was then called the Animal Science Institute. At that time we decided that it would probably be to our advantage to implement a uniform policy regarding how we dealt with the administrative aspects of humane animal care in research animals. We made a decision that farm animals were going to be dealt with just like those animals that were covered by the Act in the agency so that there would be no differences between the two. We took this one step further and made that cover all vertebrate animals that we were doing research on, so that our aquaculture research was dealt with the same as research that is biomedically oriented. We established the institutional care and use committees consistent with the Public Health Service and others so that all of our research deals with the same policy.

I'd like to make some further comments then, and I'm sure Dr. Horn would too, government reorganization and restructuring of USDA brought the National Agricultural Library into ARS several months ago. We are pleased with that as NAL is extremely important to our research effort and the Animal Welfare Information Center is also important

to that effort. I need to compliment that group on the outstanding job that they are doing. I had their training a number of years ago, and I heard comments from others who have had their training or gotten information from them. They are extremely responsive and I think they are doing an outstanding job.

I'd like to cover a few examples of how the Agricultural Research Service has supported scientific and educational efforts on animal well-being, and this is going to be in the context of farm animal well-being. I've selected these because these are activities I have been personally involved in, although I think it would have been appropriate for Dr. Horn to talk about the same ones because they have had agency wide impact and sometimes even broader than that. The first time I became involved in an opportunity to support an effort on animal well-being was in 1980 when I first came to National Program Staff. There was an effort going on to write a document called a *Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching*. In addition to having the opportunity for editorial input, the Agricultural Research Service also had major financial input into that document as did so many other organizations too numerous to mention. That's been very important in establishing a baseline for care of agricultural animals in research and teaching across the United States. The Federation of American Societies of Food Animal Sciences (FASFAS) is in the review process of revising this guide.

Another opportunity related to supporting an effort about farm animal well being was one organized at the University of Maryland and held in when we supported the International Conference on Farm Animal Welfare: Ethical, Scientific, and Technological Perspectives. It was probably one of the first opportunities in the United States that brought people from all different perspectives to talk to each other. I attended that conference and ARS supported it financially. The proceedings were published in the *Journal of Agricultural and Environmental Ethics*.

As you can see, ARS has collaborated with others in promoting animal well being. More recently, in 1992 the Food Animal Integrated Research, FAIR '95 as it's known, was supported financially by the agency and also through expertise of scientists throughout the United States. I'd like to point out the goal 6 of that effort says, "development of applied scientific measures to assess food animal well being throughout the food production cycle." There are two objectives under that; one dealing with scientific measures and the other dealing with management practices based on those findings. That national meeting was supported by professional societies of the animal sciences, commodity groups, state universities, and other government agencies.

I've experienced some of the same things Frank did in getting anything out of the department in terms of budget. I've tried to write similar measures into the ARS budget for funding and initiating new research. Although unsuccessful to date, we've discovered there is another way to do it; that's by collaboration. When we learned that Purdue University was interested in starting an initiative like that in collaborating with CSREES led by Glen Grey,

who is sitting in the audience, we sponsored a symposium in animal well being that Purdue University was a cooperator in. At the same time, we learned that there was a new appropriation for animal well being research through Congressman John Meyer in Indiana. That was successful and we have a research unit doing farm animal well being research in West Lafayette --ARS in cooperation with the Purdue University. I'd like to turn this session over to Julie Morrow-Tesh who will talk about what they are doing at Purdue.

**Dr. Julie Morrow-Tesh, Director, ARS Livestock Behavior Research Unit**

Thank you Dr. Smith. What I'd like to do today is fill you in on some of our objectives at the ARS Livestock Behavior Research Unit. Dr. Smith told you how we got to be at Purdue University and our cooperative effort. We have a large number of collaborators in the School of Veterinary Medicine, the Animal Science Department, and the Psychology Department. We hope we can enhance this collaborative effort because it really is a team that is needed to address some of these developing issues.

Our objectives are two-fold. The first is to identify objective measures of animal well being. We've taken a 4-prong approach to this. They are behavior, immune response such as disease resistance, physiology and other biochemical markers like stress hormone levels, and also productivity. None of us in the unit, or for that matter the U.S. or the world, believe that there is one indicator that can be used to assess animal well being so we've taken this broad approach. This is why we need a team effort in addressing some of these issues.

Our second objective is to better understand perception and information processing in food-producing animals. You might wonder why this is important. We don't understand basic biology of how farm animals process information. To know what good well being is to these animals, we have to know what is important in their environment. How do they relate to their environment? How do they learn about management systems they are placed in?

At the more basic level, some of the projects we have ongoing is looking at frustration in a pig model, identifying neurochemical markers that are altered during stress, genes that may be up or down-regulated during the stress response. Again, these may relate back to the behaviors the animals show. We're looking at how Interleukin 1, which is a cytokine, is altered during stress. Interleukin 1 is probably related to a lot of things we see when animals are exposed to stress, for example, feed regulation, reproduction, and probably growth.



We're also looking at taildocking in dairy cattle. We know this is an emotional issue for the public. Is it good or bad? We need scientific information.

We heard Dr. Schwindaman say when he started out there was not a lot of science to deal with these issues. We are trying to give scientific information to those who want to regulate or producer groups who want to self regulate. We're taking a very broad approach both in basic science and applied issues looking at different housing systems and different management systems with food-producing animals. Thank you.

## ***Animal Welfare Information Center: A Historical Survey of Significant Events (1986-Present) and a Glimpse of the Future***

***Moderator - Dr. Dale Schwindaman***

*Jean Larson is the coordinator for the Animal Welfare Information Center (AWIC). Great things have been accomplished by Jean and her small staff, so it's a pleasure to introduce Ms. Jean Larson.*

**Jean Larson, MA, Coordinator, USDA, ARS, NAL, AWIC**

In 1985, it is interesting to note that the Animal Welfare Act (AWA) amendments contain mandates for the research community to utilize the emerging, increasingly powerful electronic databases. Possibly this Act was one of the **first** times that Congress realized the power of computer-generated databases and purposely ordered their use. It is with the information mandate in mind, that a Library component was considered. Since USDA was to regulate the AWA, the National Agricultural Library (NAL) was the logical place for Congress to mandate the development of an information-based program that would be accessible to the regulated community. This Congressional information mandate changed NAL in many ways as the Animal Welfare Information Center took shape and substance--changes in collection and indexing policies, new methods of information delivery were tried for the first time, and there was recognition of NAL in a new community of users. We have also impacted the regulated community, in a positive way I hope, and the regulated community has molded us.



First, I would like to introduce the current staff members of AWIC. They are Tim Allen, D'Anna Jensen, Mike Kreger, who work full time, and Cynthia Smith and Dr. Richard Crawford who work part time. Our secretary is Ruth Criscio, who seems to have also made a niche for herself as the Spanish translator for ARS administration. The staff members are a very dedicated, hard working group, who want to do their share to improve the care and handling of animals used in research, testing, education, and for exhibits and entertainment. Others who have worked for the Center in the past include Keith Russell, Judi Zidar, Louise Reynnells, Kevin Engler, Dr. Janice Swanson, and Dr. Karen Clingerman.

Personally, I think we have succeeded in meeting our mandate with a program of

activities, services and information products that has been more effective and influential than most people expected. No one has ever been turned away because they could not afford to pay for such services or information. At times, I feel that we have succeeded in giving the taxpaying public the services that Congress expected. I feel privileged to have been allowed the responsibility to develop a program from concept to functional reality; from an non-existent resource into an internationally known resource and model.

Needless to say, the process of the program's development has not always gone as smoothly as hoped, nor have we done everything that we felt was important to do. Also there have been many personal challenges that have been difficult. We had no NAL programs as models; NAL is not the repository of biomedical information; we had to decide what to add to the collection and the NAL database AGRICOLA; some people felt that we are superfluous; etc. In the face of these challenges, we have found a niche that is unique; been productive; kept the program focused on those topics that Congress wanted to be addressed; and gained a credible reputation as a model and a resource. However, I do have fears for the future. With government downsizing, what will be the impact on this program? There is still much to be done. We would like to continue to meet these challenges for 10 more years. I feel that as long as there is a regulated community, there will be a need for us to help.

The rest of this presentation will provide a summary of the AWIC programs, the major accomplishments of the first decade of the program, and what the future may hold. I will spend a bit more time on the early days, then mention some of the major events of the other years--"the firsts", give you a summary of 10 years of usage statistics, and mention some of the projects that we have for the future.

Many of you have read the text of the 1985 Amendments that established the Center. You are aware that we are to support those regulated under the AWA. But, I will briefly review the Congressional mandate: the Center is to provide services and information to address employee training for the proper handling of animals, methods to alleviate pain and distress, and alternatives based on the 3 R's of Russell and Burch. We have seldom deviated from this mandate, although you will see farm animal welfare related publications which we have produced as part of the NAL mission to serve agriculture. The first activities started in 1986.

### *The Early Years*

#### **FY '86**

The first reference that I can find that anticipates the implementation of an "information service", as mandated in the 1985 Amendments to the Animal Welfare Act, is in the January 1986 monthly report of NAL's Farming and Forestry Reference Branch. It is a note documenting the recommendation for the acquisition of 112 book and journal titles in the area of veterinary science. This is noteworthy, because it is unusual for a request for this number of titles to be put forward in one month. Elizabeth Goldberg, Head of the Farming



and Forestry Reference Branch, and Keith Russell, Chief of the Public Services Division, were the individuals involved in the early stages.

The next reference to the Center is April 1986. The reference is noteworthy because it uses the title of "Animal Welfare Information Center". Obviously it had been officially established as the name of the Center. I do remember some discussion regarding the use of the term "animal welfare". It was considered for the official name because these words are used in the title of the Act. However, I suspect that a name that reflected more of the mandate might have been better. The name still makes those unfamiliar with the Center assume that we are private group unaffiliated with the U.S. Government.

Also in the April report, it is stated that "the Director and key staff from the National Library of Medicine (NLM) had a meeting to discuss NLM's and NAL's respective responsibilities in the implementation of an animal welfare information service." The report also states that "Center coordinators attended a BARC Seminar on Animal Handling for Investigators at ARS." The four hour seminar was videotaped by NAL and the six tapes of the seminar became the first of many projects sponsored by AWIC. These tapes are still requested today.

After this date, the number of activities seem to increase dramatically. By May 1986 there were meetings with NLM, demonstrations of audiovisuals designed to train animal handlers, and discussions on providing the first monetary grant for information products.

In a July report, it was reported that several initiatives were started including a mailing list of 153 organizations, compiling a list of core journals, and an annotated list of relevant databases for the users. For the first time we exhibited our wares at a conference, at the July 20-24 meeting of the AVMA meeting in Atlanta. It was reported that two different speakers mentioned that NAL was establishing an Information Center. The first request for a presentation by the AWIC staff was received from Dr. Steele Mattingly. He requested that AWIC give a presentation at the April 1987 CONMED meeting. The program for that year was "How to Get Information on Animal Welfare from Libraries."

In August, Elizabeth Goldberg, Keith Russell, and Joseph Howard attended a luncheon meeting with Mrs. Christine Stevens to discuss the formation of an information service at NAL. Mrs. Stevens was very interested in how the information service was progressing at NAL since she was so instrumental in the passage of the 1985 Amendments. She provided background information regarding what was expected for the Center program.

Initial program funding of \$750,000 for 1 year had passed the House and was due to go to the Senate. It was eventually passed and was passed through APHIS to NAL. It was only one year mind you. NAL administrators had no idea that there would be funding for anything other than that year! Needless to say, this made planning any sort of ongoing

activities very difficult.

By September there was a core list of 100 journals compiled for acquisition, a source listing of audiovisuals was compiled, and the first AWIC-sponsored videotape was loaned to Columbia University. AWIC attended the AALAS meeting for the first time October 6-9 in Chicago. Then the money ended. and no one knew if it would come again!!

## **FY '87**

To the surprise of everyone, Congress appropriated \$750,000 again for the program. It came as part of the APHIS budget. The money was not received at NAL until February. Such funding uncertainties continued to make planning an ongoing program difficult again, but it was clear that this may really become a permanent program at NAL. In the combined unit report of January 1987, there is the statement--"Nothing to report"!, but by the next month some staff were recruited to begin some activities began. In February, I was asked to be the acting coordinator of the Center. I had begun the Biotechnology Information Center earlier that year and since I was the only one on the NAL staff that has worked with animals in research, I was asked to also take on the position as head of the AWIC program. It didn't look like too much work, so I agreed.

In February, we published our first of many publications. One was on how to search NAL's database AGRICOLA for welfare and another publication on databases. The publication on databases has had several iterations, now we have World Wide Web information as a companion to it.

One of the biggest events of the year was the AWIC ad hoc committee meeting on May 15 that was chaired by Dr. Stanley Curtis. That committee met at NAL all day and provided some important contacts and support for the program as well as a wealth of ideas on what to do, what topics to cover etc. I am sorry to say, that the listing of the committee members seems to have been lost, so I can't give them credit where credit is due.

This year was the start of an activity that was to be very important to the community and what I still consider one of the ways that we contributed the most to the animals and that is the grants program. A grant for a directory was processed this year and over the years many other outstanding projects and a couple not so outstanding were completed. Overall, I think we got a lot of "bang for the buck". I am sorry that we no longer have these funds. They supported a very unique activity--the production of information products/activities.

The first monthly usage statistics were recorded at this time--12 reference requests were answered and 70 publications were distributed. (Very modest by today's statistics, which are usually average over 10X that reference figure and 300X that number for publications. Even with electronic files available in 2 other places.)

By July we were really beginning to be productive. We had purchased a tabletop exhibit that we took to AVMA, we had brochures, and we funded 4 grants. Then the staff was let go!!

## **FY '88**

Money did not arrive this year until May and was for one year again. Four staff members were hired and the first 12 bibliographies were produced. Subject scope was worked out for collection policies and the indexing for AGRICOLA, the bibliographic database produced at NAL. Four Grants and one cooperative agreement were funded. Staff began to develop an approach to search for alternatives based on the 3 R's. The usage statistics began to be respectable--1,074 information requests and 8,134 publications distributed.

It is interesting to note that this was the first year that we started to disseminate information electronically. AWIC funds were used to develop a bulletin board system. The system was named the Agricultural Library Forum. This sounds lofty until you use the acronym ALF--I seldom used that term as you can imagine!! Seriously though, over the years many AWIC publications have been made available on that system. Time marches on even for bulletin boards, and the system was shut down a week ago. NAL will now use only the World Wide Web for dissemination. We also began to exhibit at major conferences in earnest.

Obviously, the program was suffering from the disruptions caused by year to year funding. This dilemma was recognized by Mrs. Stevens and I believe it was mostly through her efforts that the funding was transferred to NAL for FY 1989.

## **FY '89**

The certainty of funding allowed the program to really begin to grow and blossom. We begin to find ourselves in FY 89! There were a lot of "firsts" this year. The first information product that we had was delivered. It was a comprehensive bibliography *Laboratory Animal Welfare* compiled by the Scientists for Animal Welfare. It was the first of several SCAW publications that we have supported.

Other developments included the development of a brochure for dissemination and a grants committee was convened. Six grants were funded that year. The most of any year the grants program was in place.

Another major event that involved the staff was the production of a videotape about the products and services of AWIC--*Resources Today for the Research of Tomorrow*. We all got to be stars in that one. We shared our stardom with people from other facilities--Dr. K Nepote of the University of Maryland, Stephen Shiffer of Georgetown University Medical

School, and Peggy O'Neill of NIH. If you have looked at the tape, you may say that you didn't see Peggy. You are right, the primates were so obnoxious and so noisy that day, maybe because of the taping process, that there was no good footage to put into the final film! We are aware that most of the 1500 or more copies are still being used as a training video around the country. We still get requests for it.

A short blurb about the AWIC program and usage statistics was included in the annual report that APHIS produces for Congress. In three years, the user statistics had increased from 0 to 1523 reference requests answered and 12,900 publications distributed!

In August of '89 I was selected as the permanent AWIC coordinator. Little did I know what the next seven years would hold. I soon had to relinquish the position as Coordinator of the Biotechnology Information Center as the AWIC program became too demanding.

### *The Later Years*

From now on, I will only mention some of the most important events. Keep in mind that we were doing the usual things of helping with protocol searches, producing publications, exhibiting at meetings, presenting at conferences and meetings, writing articles, participating in NAL related programs and doing "other duties as assigned!"

In FY 90, we published the first *AWIC Newsletter*. Little did we know that our modest attempt would end up expanding from 4 pages to 24 and from a mailing list of a few hundred to over 6,000. Subscribers would be located in every major organization and institution that is involved with animals--not only in the U.S. but in 38 foreign countries.

It is clear that AWIC has advanced from an unknown to an internationally known resource in the last decade. By way of illustration, while completing the August monthly report last week it was noted that we had requests for our publications from Sweden, Switzerland, India, Hong Kong, Denmark, Germany, The Netherlands, Canada, Australia, Puerto Rico and South Korea. This list over the years has included most major countries. Lest you worry that we are only sending out materials and not receiving anything back, let me reassure you. It appears that as a result of our generosity, we have been sent many publications and subscriptions that are now included in the NAL collection. It is my experience that we have gained many items that would be difficult to obtain any other way.

Also in 1990, we published, what may end up being considered, our most useful grant product. We entered into a cooperative agreement with Dr. Taylor Bennett of the University of Illinois at Chicago to produce a manual of basic, animal handling, research procedures. The manual is entitled *Essentials for Animal Research: A Primer for Investigators*. It was our largest print run ever. Seven thousand copies were printed and distributed within about two years. This document has been used by many institutions as a textbook for beginning students, lab resource, library reference book, etc. We recently published it in the 2nd

edition which was distributed in electronic and paper copy.

We began a pattern of initiating collaboration with other groups when we worked with the NIH Office of Personnel and Research Risks to produce, along with the National Library of Medicine, and distribute *Information Resources for Environmental Enrichment of Primates* - a document on psychological well-being of primates. The availability of the document from NAL/AWIC was announced in the *Federal Register*. This publication has also been updated with the help of additional collaborators--the Primate Information Center, and Dr. Viktor Reinhardt.

Our first venture into the training arena occurred May 23-24, 1991. We held the first workshop *How to use NAL for Animal Welfare Information at NAL*. The ten or so willing guinea pigs--librarians, IACUC members, and researchers--, gave it a thumbs up. We still conduct this workshop now titled *Meeting the Information Requirements of the Animal Welfare Act* as a regularly scheduled activity. Normally, we conduct it at NAL in a day and a half, four times per year. We also take it on the road to distant venues on a cost recovery basis. We have provided it to major companies such as Johnson and Johnson, 3M, Monsanto, and to staff at several universities, and as a continuing education course for librarians. Actually, for those who take the course at NAL, they receive certificates signed by the Director of NAL and Dr. Dale Schwindaman. Over 2,000 people have taken some form of the class. Participants have come from Germany, Canada, and Puerto Rico. It is my understanding that a number of you will participate in an abbreviated version of this class tomorrow.

In 1991, AWIC won the American Library Association's John Cotton Dana Award for outstanding public relations among special libraries. The citation reads "For a multifaceted public relations program to increase awareness and use of the Animal Welfare Center through effective outreach activities." It was a nice moment of recognition for a creative, dedicated and hard working staff.

There was a collaboration for a 1992 publication on ferrets with Dr. J. Fox of MIT. This has proven to be so comprehensive, that just this July, I was talking to a group organized to provide information on ferrets that have used the bibliography as the basis of a database of bibliographic information on ferrets.

This year was also the beginning of an initiative of the Johns Hopkins Center for Alternatives to Animal Testing (CAAT) to convene a congress on the topic of alternatives in Baltimore. AWIC supported this effort with funding and planning time. This initiative, The First World Congress on Alternatives and Animal Use in the Life Sciences: Education, Research, and Testing, was attended by about 600 people worldwide. It was considered so successful that 2nd Congress will be held in Utrecht in late October.

AWIC also provided the important level of funding for the First International

Conference for Veterinary Information Specialists. It was held in 1992 in Reading, England. We were able to interact with people from Africa, all of Europe, South America, etc. Here again, this has turned into an ongoing activity.

In the last few years, we have had several fruitful collaborations with both the Universities for Animal Welfare (UFAW) of the United Kingdom and with the Ministry of Agriculture and Fisheries (MAF) of New Zealand. With UFAW we produced the recently published *Environment Enrichment Information Resources for Laboratory Animals*, and with MAF we have exchanged publications. We now have a complete set of their codes of practice. These have been used by USDA staff who have been working on management regulations for farm animals in research.

Staff have provided extensive searches for the committees that worked to update the ILAR *Guide for the Care and Use of Laboratory Animals*, and for the *Guide for the Care and Use of Agricultural Animals in Research*. We were recently by a lively group of Italians for the Italian TV program Super Quark--a program specializing in science and technology issues.

Before saying a few words about the future, I would like to give you some usage statistics for some of the activities of AWIC. In 10 years we have done the following:

- answered over 12,000 reference requests
- responded to about 20,000 requests for publications
- distributed over 1/4 of a million paper publications
- interacted with 30 to 40,000 people at conferences, presentations and training
- we have had about 2,000 people attend our training sessions
- about 45% of our users are researchers, technicians, veterinarians, IACUC members and exhibitor/dealers
- 30% are educators or students and organization members
- the rest are government people, members of Congress, private citizens, librarians, etc.

### **Future Plans**

As you might imagine, AWIC staff are actively involved in utilizing the power of the electronic superhighway to disseminate information faster in a more cost effective way. I would like to mention several important electronic initiatives that are in the works.

1. Many of the AWIC documents have been available on INTERNET via NETVET out of Washington University. But, INTERNET technology is now fully developed at NAL, and Tim Allen and D'Anna Jensen will begin the process of bringing the AWIC documents back, expanding the files and adding value to the materials, and making them available to the regulated community through the NAL home page.

2. The *CARE CD ROM* has been beta tested and the recommended changes and corrections are being made as I speak. Mike Kreger has been working with electronic files for several years now, and has spent a good part of the last year working on this project. His efforts have resulted in a disk that includes many of the major Federally-produced and organizational documents regarding the use of animals in research, testing and exhibits, 163 documents in all. Even the new *ILAR Guide for the Care and Use of Laboratory Animals* is on the disk. Many organizations were involved in the project from providing about \$30,000 to helping to put things into electronic format, providing electronic text, proof reading, beta testing, etc. We are hoping the CD will be considered a valuable, keyword searchable, resource that will provide quick and complete answers to questions that can only be answered from these documents. One stop electronic shopping! When it is available, there will be notices in the *AWIC Newsletter* and on some electronic lists.

3. We plan to put parts of the previously mentioned workshop *Information Requirements of the Animal Welfare Act* into electronic format and make it available on the NAL WWW site. There are also plans to put the newsletter on the WWW with linkages to other sites related to the subject matter of the articles.

4. And fourth, in keeping with the long history of collaborations to produce information products and to expand the utilization of currently available resources at diverse sites, we have become involved in the initial planning discussions of an innovative, INTERNET-based project. I have the pleasure of being the first to inform you of an exciting, though very preliminary, initiative. It resulted from the awareness by a number of forward thinking people who realized that electronic technology can now be harnessed to help address some of the problems researchers face in readily assessing useful information on the best available procedures for different research questions including reduction, refinement, or replacement alternatives. It is broadly recognized that searching for information on alternatives, as required by the AWA presents difficult problems--for example, universal access to available information resources and identification of the most useful scientific literature. It was with these problems in mind, that members of five organizations-- Proctor and Gamble, the Humane Society of the U.S., the Institute for Laboratory Animal Resources of the National Academy of Sciences, the Johns Hopkins Center for Alternatives to Animal Testing, (CAAT) and AWIC, met a few weeks ago and have agreed to do their best to do something about finding a solution. Briefly, after a lively, three-hour discussion, a consensus emerged, it was decided to initiate a process to build a global consortium to support, coordinate, identify, harmonize and develop information systems containing bibliographic and evaluative technical information available to help investigators address the 3 R's of alternatives. Ideally, this would be one stop shopping on the INTERNET.

To get the project off the ground and to indicate the seriousness to their dedication to this, each of the 5 initial planners have offered monetary resources and/or products and services---databases, computer expertise, subject matter expertise, etc. AWIC will contribute

relevant electronic products as well as the AWIC staff time and expertise in searching for alternatives to painful procedures. Proctor and Gamble and the Humane Society of the U.S. (HSUS) have agreed to contribute seed money to cover initial planning, administrative, hardware, and software costs.

Needless to say, such an electronic system will require additional funds, resources, technical guidance, and the efforts of many groups to bring it to fruition. We invite your support with ideas and resources, be they electronic or monetary, to participate in this initiative so we can begin to deal more effectively with helping investigators find the best available research models.

With that I will close this presentation.



## ***Panel Discussion***

**Question:** My name is John Culbert and during the 1980s I was President of the American Society for the Prevention of Cruelty to Animals and I'd like to know what you think the future is for getting rats and mice covered under the Animal Welfare Act.

**Dr. Schwindaman:** As far as rats and mice are concerned, I can't answer that for certain. We are under budget constraints, but you have seen our Strategic Plan which covers the next five years. In that plan, we do plan to include rats and mice under the purview of the Act. What really will occur is hard to say.

**Question:** Larry Carbone, Cornell University. A couple of the speakers mentioned the *Life* article that precipitated the 1966 Animal Welfare Act. A lot of us think of events that happened in the mid-eighties that led to the amendments of 1985 like the head trauma studies. I'm wondering if there was some big event that happened in 1968 or '69 that brought the sweeping 1970 amendment around.

**Dr. Schwindaman:** There really was no series of events that resulted in the 1970 amendment. There was no major event that I can point to, but, for example, we had authority over the dealers and how they handled their animals on their premises or on their truck. We had no authority over how the dealers picked up and threw their animals into the truck. So it was a series of things like that which led to the 1970 amendments.

**Question:** Gary Ellis, Office for Protection from Research Risks, National Institutes of Health. In the mid-1980s, I and many people watched the 20-minute video called *Unnecessary Fuss* which was a pretty strong videotape about the University of Pennsylvania. What effect did that videotape have on the passage of the 1985 amendments?

**Dr. Crawford:** I think that had a considerable effect on the attitudes of the public and the actions of some in Congress. That was a fairly graphic videotape. That and the Silver Spring monkey incident made people more aware of the problems at some of our facilities.

**Dr. Beasley:** I had the good fortune to talk to Fay Brisk before she passed away. She told me that she considered those two incidents to be the most influential in providing her with ammunition that she could get through her network of contacts in Congress.

**Sen. Melcher:** I think in the early eighties there was a build-up of great interest due to several abuses that were publicized in the area of animal experimentation. It generated enough interest in Congress to address it and, once addressed, it was going to pass.

**Question:** Alan Goldberg, Johns Hopkins. It seems unusual that the Animal Welfare Act is regulated by the Department of Agriculture when essentially all other aspects of animal research are regulated by HHS and the NIH.

**Sen. Melcher:** Within the Department, the veterinarians were interested in doing some good for animals. The legislation was drafted by the Agriculture Committee so it was only natural that the duties fell before the veterinarians in the Department of Agriculture.

**Dr. Schwindaman:** In my opinion, the Department of Agriculture, Animal Health Division that Dr. Mulhern was directing had an infrastructure throughout the United States of veterinarians and animal health technicians who were going to carry out these inspections of facilities once they were licensed and registered. The HHS, Health, Education, and Welfare at that time, did not have the regulatory responsibilities in the same way the Animal Health Division did, but through statutory authority.

**Comment:** John Parascandola, historian for the Public Health Service. I think that what you mentioned was a factor because I know the FDA was not yet a part of the Public Health Service; they were in the Department in Health, Education, and Welfare. There was a lot of discussion in 1968, when the FDA came under the Public Health Service, as to whether or not that was appropriate. There were people in the Public Health Service who believed that regulation is not what we do and that the FDA is basically a regulatory agency. Even though Public Health Service did have some experience with regulations in terms of biologicals, by and large, they tended to resist getting into the area of regulations when these kinds of things came up. At the same time, within the medical research community, there were mixed feelings about having legislation. That may have also contributed to the NIH and Public Health Service being less than enthusiastic about becoming regulators.

**Dr. Mulhern:** Christine Stevens spoke about their frustration, the animal welfare enthusiasts who were responsible for this act, who were disappointed with the results of their confronting the biomedical environment. I think that's why they turned to USDA for regulations and enforcement.

**Question:** I'm Cathy Liss of the Animal Welfare Institute and I agree with Dr. Mulhern. I am also very concerned about AWIC, its preservation, and its growth. It serves a vital function and I wonder what we can do to help that effort. And secondly, I wonder about a

time when the Animal Care Inspectors will be informed about AWIC and will utilize it as much as possible.

**Jean Larson:** We have certainly tried our best to do outreach to people involved in regulating the Animal Welfare Act. We have had them out to the library for our workshops and sent packets of our materials to all of the sector offices. We have tried to work with Dr. Schwindaman as closely as we can. Dr. Beasley teaches a section of our classes.



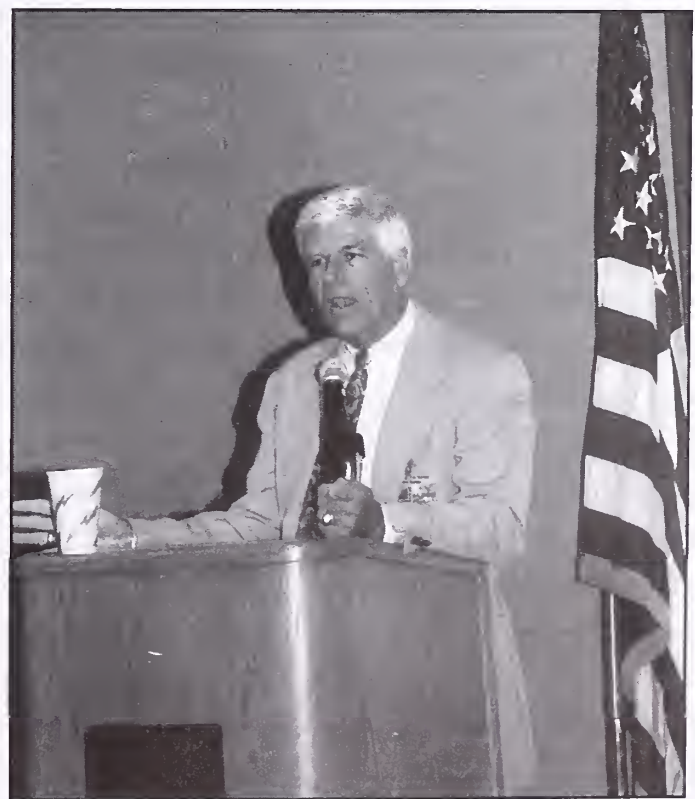
## Keynote Address

*Al Strating, Acting Associate Administrator, Animal and Plant Health Inspection Service*

*I have the pleasure of introducing today the Assistant Secretary of USDA's Marketing and Regulatory Programs Michael V. Dunn. Mr. Dunn has been close to agriculture for a long time in both in the private sector and in field and headquarters divisions of the USDA. He was President Clinton's choice as the last Administrator to head the Farmer's Home Administration which was then the Department's Rural Credit Agency. During his tenure there and subsequently as the Acting Undersecretary for Rural, Economic, and Community Development, Mr. Dunn emphasized the importance of customer service. Before Farmer's Home Bureau was absorbed into the Farm Service Agency during the USDA's reorganization, Mr. Dunn succeeded in turning it into the lender of first opportunity for farm families and rural customers. Since joining MRP programs as Assistant Secretary, Mr. Dunn has demonstrated a clear focus and strong leadership. He has made Animal Care one of his top priorities making it clear that both he and Secretary Glickman are committed to dealing aggressively with Animal Welfare Act violations and improving the current Animal Welfare Act standards. Mr. Dunn will speak today about some of the USDA's historic achievements in enforcing the Animal Welfare Act as well as our ongoing initiatives to improve Animal Welfare enforcement. Please assist me in welcoming Assistant Secretary of Marketing and Regulatory Programs, Michael V. Dunn.*

**Michael Dunn, Assistant Secretary of Agriculture, Marketing and Regulatory Programs, USDA**

Thank you. I'm very pleased to be here. And I'm glad that all of you could join us for this special event. Thirty years ago, in 1966, the Laboratory Animal Welfare Act was passed. If you recall, 1966 was a pretty notable year. It was the year of several historic American firsts. Our first black Cabinet member, Dr. Robert Weaver, took office as Secretary of the new Department of Housing and Urban Development. Groups advocating women's rights, like the National Organization of Women, were first formed. Medicare first took effect, providing Federal medical insurance to about 17 million older Americans. And President Johnson signed sweeping automobile safety legislation that required, for the first time, things like anchored seat belts and safety recall notices.



I think it's accurate to say that 1966 was a year in which we, as a society, were becoming increasingly concerned about the rights and needs of those around us. And it was a time in which we recognized our Government's responsibility for protecting and providing for its citizens, especially in cases where they are less capable of promoting their own welfare. So it's probably not surprising that, along with protecting the safety of automobile passengers, preserving the health of elderly and disabled persons, and developing affordable housing for lower income persons, the Federal Government acted in 1966 to ensure that animals used in research were provided proper treatment and care.

With the passage of the Laboratory Animal Welfare Act of 1966, the predecessor of the AWA, we took a giant step forward as a Nation in realizing our obligation to protect and provide for those animals under our care. Over the last 30 years, we've made great strides in improving the welfare of regulated animals.

The AWA has been amended several times since its passage to improve the level of care provided to regulated animals. And at USDA, we've made it our mission to keep pace with these changes by continually reviewing our regulations and standards to ensure that they adequately reflect the law's intent, the public's interests, and the most current knowledge about animal needs.

We can be proud of our accomplishments. Still, we recognize that we haven't always done the best we could and should do. We haven't always been as vigilant as necessary in our AWA enforcement efforts. And there remain among us some who fail to uphold the standards, who fail to take humane treatment issues seriously.

Since the first version of the AWA, we have seen public interest in animal welfare increase to unprecedented levels. In recent years a number of high-profile cases have highlighted the problems we still face. And, as animal welfare issues have moved into the mainstream of our culture, the general public has become increasingly vocal about their concerns. Last year alone we received about 34,000 letters about animal welfare issues from individual citizens, concerned groups, and Members of Congress. For these reasons, under Secretary Glickman, USDA has made animal welfare a high priority. The Secretary has sent a clear message: we needed to get tough on AWA offenders. And we at Marketing and Regulatory Programs (MRP) have responded with a number of initiatives focused on improving our AWA enforcement.

We realize, first of all, that our field inspectors are the key to ensuring that the AWA standards are upheld. These men and women make a real difference in the lives of many animals. For example, two of our inspectors helped confiscate 182 dogs from a negligent animal dealer in Southeastern Missouri earlier this year. These dogs were in critical need of veterinary care, and the efforts of our inspectors saved many of them from needless suffering.

We've made it a primary objective to empower our employees and give them the tools

they need to get the job done. Last year, the Secretary and I sent a letter to all our inspectors letting them know that we recognize how central their role is to our enforcement efforts. In the past, some inspectors have not gotten the support they needed from the top. We want to make it clear that they can count on us to stand behind them and lend our full support.

We have also developed a strategic direction plan for our animal care program. This plan identifies internal mechanisms to improve our enforcement activities like placing more emphasis on inspector training to ensure that our officials are kept informed and up-to-date. In recent months, we've conducted national training courses for both our Animal Care and Regulatory Enforcement personnel. We are also focusing on using risk-assessment methods to prioritize the inspection workload, so that we can concentrate our resources where we need them most-- substandard facilities.

We are also exploring ways to reduce the time it takes for a case to work its way through the system. To this end, I have arranged meetings between APHIS officials and USDA's Office of the General Counsel to discuss ways of speeding the movement of cases through the administrative process. We want to work to ensure that no case ends up stalled within a knot of bureaucratic red tape.

I'm pleased to say that we are already seeing the results of our intensified efforts. In fiscal year 1996 we assessed more than \$450,000 in fines to violators of the AWA. In addition, we've issued nearly 20 license revocations, suspensions, and disqualifications.

We're also beginning to see a real increase in the effectiveness of our overall enforcement efforts. For example, we've made considerable progress in cracking down on noncompliant random-source dog and cat dealers, a small group of individuals long recognized as causing a large problem. In April 1995, random-source dealers Julian and Anita Toney were fined \$200,000 and had their license permanently revoked for a variety of AWA violations, including failure to maintain records showing that their animals were not acquired from prohibited sources. The Toneys join Jerry Vance and Ervin Stebane random-source dealers who had previously been permanently barred from licensure.

More recently, another dealer, Dave Knight, was served a 2-year suspension, and yet another was assessed a \$16,000 fine by an administrative law judge. And we have cases pending against several additional random-source dog and cat dealers.

But we still have a ways to go. Phasing out random source dealers is the subject of several proposed amendments to the AWA currently being considered by Congress. We certainly support the intent of these bills to eliminate dealing in stolen animals, and we are continuing to look at our options and examine the effectiveness of our current enforcement efforts in this regard. Moreover, we are continuing to pursue legislation that would augment our enforcement authority. For instance, we are looking at increasing our authority to refuse

to issue or renew licenses to individuals not in compliance with the AWA or anyone convicted of violating any Federal, State, or local animal welfare law. We are also examining the possibility of increasing the length of summary license suspensions and of extending our current authority to seek injunctions against individuals in serious violation of the law. In other words, we are seeking ways to get the bad operators out of business quicker by putting more teeth into the law.

However, as we all know, enforcement isn't the sole solution to achieving compliance. Support and education are also indispensable parts of the equation. So we have proposed working with the commercial breeding industry to develop a merit system that recognizes facilities with a superior history of compliance. By rewarding the good operators, we would create a positive incentive for compliance, and we would free USDA inspectors to concentrate more time on substandard or marginal facilities. For guidance, we are reviewing industry certification programs that already exist, such as those being used by the biomedical research community and the zoological industry, and we plan to provide formal recognition to those that are effective and encourage superior performance.

The proposed merit system is an important example of our commitment to developing partnerships with industry representatives, with the animal welfare community, and with interested members of the general public. Our 73 field inspectors and 54 investigators work diligently to cover the thousands of facilities, about 13,000 total, that need to be monitored for AWA compliance. But we can't do it alone. We need the eyes of the public working with us. And we need to find new, creative, and collaborative ways to accomplish our goals.

We have already established several important partnerships. For instance, we have worked with the United States Animal Health Association's Animal Welfare Committee to develop model legislation for drafting State animal welfare laws. And we have developed a memorandum of understanding with the State Veterinarian in Missouri for the exchange of inspection information. For example, we provide State officials with copies of our inspection reports of licensed premises, and they provide us with information about anyone conducting regulated activities without a license.

It was our cooperative efforts with Missouri State officials that helped bring about the confiscation of dogs from the negligent dealer I mentioned earlier. I want to point out that the Southeastern Missouri Humane Society was also instrumental in these efforts. We hope to continue to work together with local and national animal welfare organizations in an effort to realize our mutual goals. These organizations play an important role in educating the public about the AWA regulations and animal welfare issues, and we value their advice and input as we work to enhance our regulatory efforts.

In another effort to solicit public involvement, we recently held a series of public meetings on issues involving commercial breeders and the Horse Protection Act (HPA). These meetings have provided a terrific opportunity for interested members of the public,



animal interest groups, and industry to provide input on our enforcement activities.

For example, in response to concerns raised at the meetings on commercial breeding facilities, as well as concerns expressed by others, we have developed and published several new regulatory proposals. The first would eliminate the tethering of dogs as a primary means of enclosure and revise the temperature requirements for the housing and transport of animals. The second proposes new flooring requirements for dogs in commercial breeding facilities and would require the use of coated wire in facilities that use wire flooring. The public comment period on these proposals closed on September 3, 1996, and we are currently reviewing all the comments received.

We are also moving forward with our strategic direction for improved enforcement in the HPA program. This includes our plan to place greater emphasis on the compliance role of the certified Designated Qualified Person program. As we develop and further refine our objectives and proposals, we are taking into consideration the views of all who participated in the public meetings.

In pursuit of regulatory innovation, we are also using the negotiated rulemaking process to revise the regulations for the care and handling of captive-held marine mammals. The marine mammal negotiated rulemaking advisory committee brings together APHIS officials and representatives of marine mammal exhibitors, the marine mammal research community, animal welfare groups, and other Federal agencies with a stake in marine mammal care issues. The committee met for the third and final time in July, and we reached significant consensus in many major regulatory areas.

We are now in the process of developing marine mammal regulations based upon the consensus language agreed to by the committee. We are also proceeding to develop regulations in the areas that were not negotiated. All the proposed regulations will be published in the *Federal Register* for public comment. We have already published proposed requirements for so-called "swim with the dolphin" programs. The comment period on this proposal recently closed, and we are now reviewing the comments in preparation for developing the final rule.

We are also developing specific training and handling requirements for trainers and caretakers of elephants and other potentially dangerous exotic animals, an area that has recently aroused great public concern. And we continue to work to establish standards under the AWA for farm animals used for non-agricultural research and exhibition. The proposed rule, which has already been drafted, would include standards tailored to specific species of farm animals. We are currently collecting data to perform an economic impact analysis of the draft rule, as required by the Office of Management and Budget.

Certainly, we are all well aware of the increasing public attention to the handling of farm animals on the farm, in marketing channels and, finally, at slaughter. As many of you

may know, the 1996 Farm Bill authorized USDA to develop guidelines regulating the transport of horses to slaughter. These guidelines would ensure that horses are provided adequate food, water, and rest while in transit. Although this legislative authority is not part of the AWA, APHIS officials are contacting industry groups and visiting auction markets and slaughter plants around the country to gather the data necessary to develop feasible, effective guidelines. If all goes according to plan, we hope to have a program up and, running by FY 1998.

Many of you may also be aware that USDA has formed an Animal Well-Being Task Group. This group was established in the Fall of 1995 and is made up of officials from several MRP and other USDA agencies. Task Group members will solicit the input of various stakeholder groups, including livestock and poultry producers, on an ad-hoc basis. The objectives of the Task Group are clearly defined. It serves as USDA's conduit for discussing and addressing emerging animal welfare issues, as well as for supporting and recommending research on these issues. The Group also holds quarterly forums to discuss efforts to promote the well-being of animals. It serves to enhance cooperation, collaboration, and partnerships among all parties concerned about animal well-being issues and communicate these efforts to our stakeholders.

Thus far, the Group has succeeded admirably in this regard. Recently, it had representatives from numerous animal production groups share their efforts to promote farm animal welfare. The Task Group is also sponsoring an ongoing study into animal handling practices in the livestock industry. We expect the study to be completed by next spring and believe it will provide valuable information to improve our livestock handling practices.

It's become a truism that, today, we live in a global society. So as we work to improve animal welfare here in the United States, it's increasingly important that we look to animal welfare standards outside our own country, particularly those of our trading partners. Increasingly, we will need to work towards international harmonization of animal welfare laws and standards. In this way, we can work to make our standards equivalent to the best around the globe and to ensure the humane treatment of animals worldwide.

In our culture, turning 30 is recognized as an important milestone, a marker of real maturity. As the AWA passes this milestone, we can be proud that we have successfully negotiated the growing pains of childhood and the trials of early adulthood. I believe that we're now ready to settle down to the mature, persistent pursuit of our goals, and I'm certain our biggest achievements are yet to come.

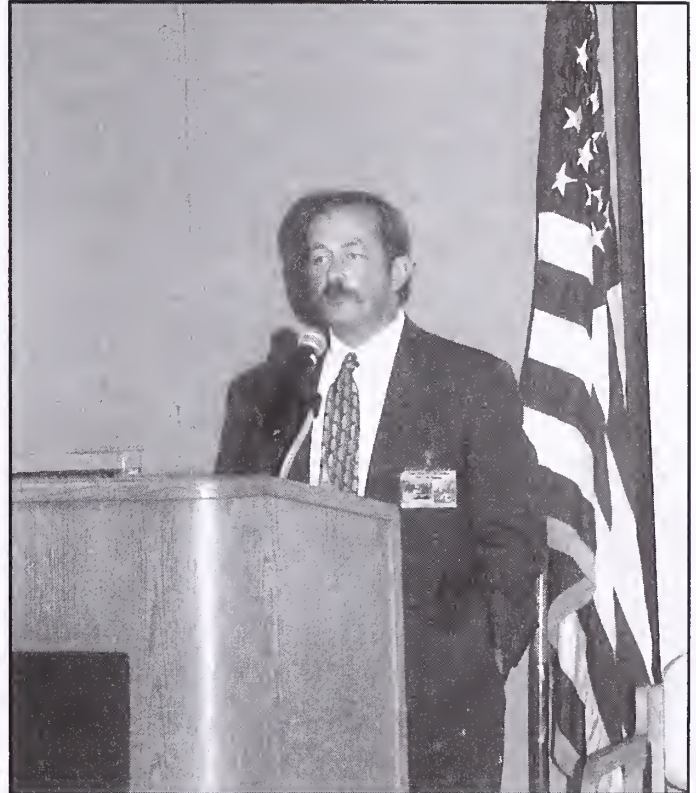
At this time in our history, I believe we have a great opportunity to assert once again our leadership in effective and innovative implementation of animal welfare legislation. It is our aim at USDA to lead the way in examining animal care issues and to encourage all interested parties to work together to find solutions to our common problems. I hope you'll join me in earnestly pursuing that goal.

## Afternoon Session

### Industry and Humane Group Viewpoints

**Moderator - Tim Allen, Technical Information Specialist, Animal Welfare Information Center, National Agricultural Library**

*Before we get started on this afternoon's session I'd like to recognize the groups that made this symposium and the exhibit at NAL possible. I'd like to thank Tom Bryant who is the Executive Director of the NAL Associates for helping put together the meeting and taking care of the catering services. Joe Veneble and his staff at WARDS, Working for Animals in Research, Drugs, and Surgery, who sponsored the breaks today. John Miller and AAALAC, the Association for Assessment and Accreditation of Laboratory Animal Care International, who are helping us publish the conference proceedings. Finally, I would like to thank Christine Stevens and Cathy Liss of the Animal Welfare Institute for their help in getting things together today and contributing historical documents and photos for the exhibit at NAL.*



*We had one disappointment this morning. We were expecting Congressman George Brown to be here. Everything was all set up until Tuesday morning when President Clinton called his office and said he was going to make a campaign stop in his district in California. He asked the congressman to appear and, when the President calls, you don't say, "No." In the proceedings of the symposium, we will publish the congressman's comments.*

*We've heard members of the USDA and others speak about the evolution of the Animal Welfare Act and the regulations within the Department, but those regulations don't just affect USDA and its inspectors. It affects the industry groups and the humane groups who have fought very hard to see those laws enacted. This afternoon we have representatives of the major industry groups who are regulated by USDA and humane organizations who have been involved in the development of the regulations.*



## Industry Groups

### *Exhibitors*

#### *Moderator - Tim Allen*

*At this time, I'd like to welcome Ms. Kris Vehrs. Kris is currently the Deputy Director of the American Zoo and Aquarium Association and also serves as the Director of Government Affairs. In these positions, she represents the positions and interests of AZA before the legislative and executive branches of government, the International Whaling Commission, and the International Convention on the Trade of Endangered Species of Flora and Fauna (CITES). After receiving her law degree from George Mason University, she had a law and lobbying firm specializing in natural resources and environmental issues. Please welcome Kris Vehrs.*

#### **Kris Vehrs, Deputy Director, American Zoo and Aquarium Association**

Who is the AZA? The AZA represents 175 accredited zoos and aquariums in North America as well as 6500 individual zoo and aquarium professionals. To put these numbers into perspective, that means we accredit 175 of approximately 1800 exhibitors licensed by APHIS.

The AZA supports the AWA and effective APHIS inspections. An effective APHIS inspection assures visitors to AZA member institutions that the facility meets and continues to meet the government standards required by the Animal Welfare Act. The facility has been granted the government's "stamp of approval" to operate. AZA is prepared to assist APHIS with the following: 1) strengthening the AWA enforcement provisions against facilities that are habitually out of compliance and threaten the health and well-being of the animals; all zoos and aquariums receive bad publicity when those who are not in compliance persist in violating the Act; 2) supporting reform of penalties that are currently too low to be effective, and 3) streamlining the hearing process to revoke a permit. I'll discuss that more a little later.

The AZA has a long history of working with the Animal and Plant Health Inspection Service (APHIS) to strengthen the Animal Welfare Act (AWA). AZA has helped strengthen the AWA regulations governing the care and maintenance of nonhuman primates and is



currently involved in an APHIS Negotiated Rulemaking to revise the care and maintenance standards (regulations) governing marine mammals in captivity. In addition, AZA has prepared guidelines for the maintenance of other mammal species.

Annually, AZA requests increased funding from Congressional Appropriations committees for the Regulatory Enforcement and Animal Care (REAC) Division of APHIS. Knowing that travel is a key component for fulfilling APHIS's mandate to enforce the AWA, AZA continually requests increases in travel budgets as well as additional inspectors (in 1996 AZA requested a 10% increase in the number of inspectors).

AZA institutional members conduct an internship program for an APHIS Veterinary Medical Officer (VMO) and an APHIS Animal Care Inspector (ACI). The REAC-AZA Zoo Animal Internship Program offers field inspectors the opportunity to work in different zoological/marine mammal institutions for the purpose of learning more about exhibition animal management, including husbandry practices, sanitation issues, nutrition/special needs, environment enrichment and facilities management. A pilot program was conducted in 1992 and a second program was held this summer.

However, better training is needed. Exhibitor programs are held from time to time, as are courses on water quality and marine mammals. We urge APHIS to hold more courses on a regular basis.

I have purposely kept my comments lighthearted, but that does not mean AZA institutions have not had their run-ins with APHIS inspectors. There have been difficulties with the interpretation of guidelines. Although the regulations are published, the policies are not. AZA recommends that APHIS REAC do a better job of communicating with the regulated about its policies on interpreting regulations.

The grapevine has it that APHIS has put together a package of amendments to streamline the process of filing a complaint. I urge the Department of Agriculture to pursue these and let the regulated help. Marshall Meyers, Counsel from PIJAC, will touch on some of these difficulties.

In sum, where should APHIS REAC go? Enforcement, sharing policy and new amendments to streamline the complaints process.

## Carriers

### *Moderator - Tim Allen*

*I'd like to thank the Air Transport Association for getting a speaker for us on rather short notice. Representing the Air Transport Association today is Mr. Carl Kole. Mr. Kole has been with United Airlines for the past 30 years and has a long association with the International Air Transport Association (IATA). He has extensive experience working with special cargos which include animals and hazardous materials. He is currently Vice Chairman of the IATA Live Animal Board. When he is not working with the friendly skies of United, he is very involved with show dogs.*

### **Carl Kole, Chairman, Air Transport Association, Live Animal Task Force**

Good afternoon ladies and gentlemen, honored guests, Congressman Brown and Assistant Secretary Dunn. Thank you for this opportunity to speak with you today. As the Chairman of the Air Transport Association Live Animal Task Force, I am speaking on behalf of our members who carry live animals throughout the world.

The occasion of this anniversary is truly a celebration for both AWIC and the Animal Welfare Act. Congratulations on benchmark achievements during the past 10 and 30 years. For those of you who have worked with the AWA since its passage in 1976, you can take personal pride in its many accomplishments.

The Department of Agriculture is the connecting link between AWIC, the AWA and APHIS. Agriculture, the very backbone of the U.S. economy, was, and continues to be, the key factor determining success or failure in the United States economy and, subsequently, the aviation industry.

I'm from Chicago, a city whose roots were established by agriculture! We have just hosted the 1996 Democratic convention. At that same convention, in that same city over 100 years ago, the notable statesman William Jennings Bryan described the essential role agriculture played in the economy and in the growth of our country. At that time he said:

"Burn down your cities and leave our farms, and your cities will spring up again as if



by magic. But destroy our farms, and grass will grow in the streets of every city in the country."

It goes without saying that the welfare of all Americans, as well as others around the world, depends on a strong agricultural economy. It drives the U.S. economy, and when the U.S. economy thrives, so does our nation's aviation industry.

In 1996, ATA carriers are seeing record numbers of customers who are traveling in all seasons of the year to all parts of the world. Our customers travel domestically and globally, for business as well as pleasure. Today, when passengers travel, they bring along their skis, surfboard, tennis rackets, golf clubs, bicycles and, yes.... their family pets. Today's passengers expect to travel with their cats and dogs. Today's passengers expect airlines to offer pet travel as a normal service. It is a service which is appreciated, expected and sometimes demanded by our customers.

Those in the animal industry also rely on ATA carriers for transportation of live animals. Our carriers serve those who are in the pet trades. The industries may include companies, individuals and organizations who train and ship dogs and other animals which assist people who have sight and hearing losses. Other animal shippers include dog and cat breeders, the dog and cat show competition industry; zoos; and those exporting animals to foreign countries.

Today's passengers and those in the animal trades reap the benefits of a long and successful history of transporting animals by air. Since the 1930's, when homing pigeons were first transported by the Dutch carrier KLM, the transportation of animals has taken on the status of "big business." From the smallest dog and cat to the largest elephant, our carriers transport animals safely and humanely. We did so in 1930 and we do so now!

Shipping animals by air has become extremely important to those in the animal industries because it provides an efficient and expedient way to move animals from one location to another. Simply stated, airline industry carriers move animals quickly, safely and with minimal stress to the animals.

The relationship between the Department of Agriculture and air transport carriers has also been a long one. For the continued success of any future relationship, the Department of Agriculture and the clientele it serves must extend trust and mutual understanding to one another.

We began our relationship on the foundation of trust and mutual understanding. APHIS and the aviation industry first became acquainted with the passing of the Animal Welfare Act in 1976. As I stated earlier, air carriers were handling animals in flight as early as the 1930's. Between aircraft manufacturers and individual air carriers, safe boarding procedures and temperature settings were established well before the advent of the AWA.



The acceptance and handling of animals specified in the AWA, in the air transportation mode, has been regulated by the USDA/APHIS since 1976. These regulations, as subsequently amended, have provided a reasonable, scientific basis for the humane and safe handling of animals.

In the past, the aviation industry has willingly entered into partnership with the USDA/APHIS. Our industry has reacted to the effects of various rules on the industry and has served as a testing ground for air transport studies.

Whenever we have worked with the USDA, our industry's vision has been to balance both humane care in the treatment and shipment of animals with good business sense. Our initial history with the USDA was filled with problems, but we have jointly found solutions of which we can all be proud. We continue to look to the future with a desire for even more progress. Strengthening our future relationship begins now, but, like some relationships, carries with it some cornerstones which may belie the strong trust and mutual understanding that have been our underpinnings.

It was during the early part of the 1990s that we as an industry became actively involved in the AWA rulemaking process. We have continued in that process. We participated in the recent public meetings on dogs and cats in commercial pet trade.

We worked collaboratively with the USDA, providing aircraft environments which permitted the USDA and FAA Civil Aeromedical Research units to accomplish vital animal research during the in-flight stage of air carrier travel. In fact, a second study recently completed by Dr. Gary Hanneman of the FAA Aero-Medical Institute which is yet to be released to the public, is the type of research which constitutes the very basis of the temperature guidelines used in the AWA.

As an industry, we believe that this type of collaborative effort is essential not only to the safe carriage of animals, but also to the economic benefit of the shippers and carriers alike. We want that effort to continue.

Where are we today regarding our desire to continue our collaborative efforts? Today it appears to many of us that some of the AWA proposed changes are reactions to isolated situations. In other words, these proposals are driven by isolated incidents or situations that happen infrequently, but become an issue because of pressure exerted by Capitol Hill animal rights lobbyists or news media. This is especially true for the proposed changes in the transportation and kenneling standards. Knee jerk reactions which are fueled by certain regulators have taken APHIS in a direction away from animal care and welfare issues and led it instead in the direction of animal rights issues.

Here is an example. The recent proposal to change the temperature restriction to a flat 90 degrees has no scientific basis or purpose whatsoever. This proposal is perceived by

many of the ATA carriers as a heavy-handed approach. The proposal reflects a command and control mentality. Do you make the rules as you please? Do you listen to our reasoning, experience and explanations and decide what you want without regard for our expertise? Do you want us to believe that you make the rules as only you see fit? Do you listen to our comments and then make decisions regardless of the animal care, scientific or economics issues?

We are disappointed and mystified by this most recent rulemaking proceeding which was issued by APHIS with what appears to be a complete lack of regard for public input that was provided at the St. Louis, Kansas City and Washington meetings. This recent approach seems completely out of character when viewed against our past experience with APHIS. Do you listen to our reasoning, experience and explanations?

In reading the preamble to the recent rulemaking 95-078-1, APHIS indicated that one of the primary sources used to establish the proposed rules were comments from the workshop meetings. I participated in 2 of 3 meetings APHIS held. I heard information which represented years of experience and expert knowledge. Neither our experiences nor our knowledge are reflected to any extent in the NPRM. Do you make the rules as you please?

The whole issue of the acclimation certificate which was discussed with little to no opposition in the public meetings, was never mentioned in the rulemaking proceeding. The effect of heat and cold, and the temperature studies last conducted in 1987, which provided the underpinnings of the AWA temperature restraints, were completely ignored in the latest proposed rule. The most recent temperature studies, completed in 1996, were neither shared with the public nor as best as we can determine were they used when the most recent NPRM was issued. Do you listen to our comments and then decide what you want, regardless of what the animal care, scientific or economics issues are?

The command and control approach to problem solving is seen in many government agencies, APHIS included. It works, but it is always adversarial. It never really gets a "buy in" or cooperation from the regulated parties.

Our industry's relationship with USDA/APHIS was based on trust and mutual respect. That is what we want to return to. That is what we want in the future. We want to see animal care systems which foster cooperation between the regulator and regulated. For that to happen we need to abandon command and control relationships and direct our efforts to relationships which are designed to create collaborative, voluntary programs and partnerships. Voluntary programs and partnership relationships mean two way communication; self-governance and self-performance standards; understanding each other's goals and restrictions; assistance and education.

Can you envision, for instance, having fines imposed for AWA violations being put

right back into training in order to correct problems cited by APHIS. Another option would be mandatory training in lieu of fines. Today, by contrast, we use the designated felon approach. Fines are put into the U.S. Treasury. The problem continues and the cycle continues. Our relationship, once based on trust and mutual understanding, does not.

I truly believe that individual behaviors will change if we approach our mutual problems by eliminating the designated felon approach and becoming partners in programs designed to train, correct problems, collaborate and cooperate to assure the safe and humane transportation of animals by air.



## Research

### *Moderator - Tim Allen*

*Our next speaker is one of two speakers who represent the biomedical research perspective. Dr. Bernadette Dunham is currently the Assistant Director of Governmental Relations Division of the American Veterinary Medical Association here in Washington, D.C. She received her veterinary medicine degree in 1975 and opened a private practice with dogs, cats, dairy cattle, exotics, and horses. She received a Ph.D. in cardiovascular physiology. In 1988, she joined the State University of New York Health Sciences Center at Syracuse, New York where she served initially as Assistant Director of the Department of Pharmacology. In 1989, she was named concurrently Director of Laboratory Animal Medicine, SUNY Health Sciences Center, New York which she held until her appointment with the AVMA.*

### **Dr. Bernadette Dunham, Assistant Director of Governmental Relations Division, American Veterinary Medical Association**

I am certainly honored to be here today and to address the research viewpoint. As you gather from hearing my background, it's going to be modest. Being a veterinarian first and then going back and getting the Ph.D. has given me the opportunity to certainly see both sides and realize how unified both sides together really are. This morning's session provided an excellent overview of the history of the passage of the Animal Welfare Act in 1966 along with the subsequent amendments. One of which, the Improved Standards for Laboratory Animals Act of 1985, led to the establishment of the Animal Welfare Information Center. You've heard from the Government's perspective on these regulations and this afternoon you'll hear viewpoints from industry and humane groups.



Biomedical research is a highly regulated industry. Therefore, one tends to focus on regulations as a means of achieving objectives. As the research community, ever cognizant of the public concern, continues to be sensitized to the importance in quality, merit, well-being, and ethics, the essential element of accountability comes into place where animal-assisted research, testing, and educational programs are based. And this becomes quintessential. Credibility is only achievable through accountability which, in turn, is dependent upon acceptance by the general public. However, the general public is often not

aware of the various rules, laws, and regulations that do govern the use of animals in biomedical research. And, by that, I could be referring to a graduate student who is enrolled in a Ph.D. program in molecular biology; I could be referring to a second year student that's majoring in political science. I do not mean ignorance at all in a derogatory phrase, I mean it as strictly as not having understanding or depth of knowledge of a particular topic. Our overall public awareness of science and medicine in general by the public is really pretty distressing.

The way in which we're going to turn that around is through education. People will often say that scientists have failed to communicate to the public. In fact, one of the hardest challenges that I certainly relate to for most scientists is being asked to put your entire NIH grant application into a lay summary of a few paragraphs. It is hard, but it is something we all have to do. It's very important that we continue to communicate with the public. They need to understand. We're dealing with taxpayer's money. We're trying to improve everybody's welfare for our health and for animals.

If we pursue this, I think we'll see continued changes. Part and parcel of this has come around through the Animal Welfare Act because it does require the scientists, veterinarians, and IACUCs (animal care and use committees) cooperate to ensure that experiments using live vertebrate animals can be designed and carried out in humane manner that will comply with explicable laws, policies, and guidelines.

Researchers do have an obligation to minimize pain and distress of laboratory animals. They have an obligation to see that the animals are used for productive and meaningful goals. They have an obligation to provide society with an accounting of how they use these animals. Researchers do want to ensure that animals are treated as humanely as possible. That's something I strongly believe with all of the investigators I have ever met. That's the only thing I've ever taken home as a take home message. They are very sincere and they're always looking for ways to improve.

The ignorance that I mentioned earlier with regard to general public when you talk about science and medicine is equally apropos when you talk about basic scientists. When you go into a Ph.D. program, you are very focused. If you go into a Ph.D. in molecular biology, you are not going to receive the training on anesthesiology, behavior on X many species that you might be aware of. Without that training, you need to collaborate. The role of the veterinarian really does come to the forefront for ensuring within research facilities that scientists are going to have access to information to help them pursue the best science that they can.

Adequate veterinary care is absolutely essential to the health and well-being of animals that will be used in research, teaching, and testing. As I said, I believe that scientists recognize this and absolutely are dependent upon having animals that are free of extraneous diseases and indicate humane considerations for their care. Ethics also surfaces more and

more and more. As we get into teaching, issues of our new graduate students surface. They have a lot of questions, they have a lot of concerns, and all of us have to partake in answering their concerns and working towards the goals.

Ignorance can lead to a less than perfect scenario no matter what the issue. It could be as simple as having a graduate student embark upon utilizing an animal such as a rabbit to raise antibodies. If they do not know how to properly handle that animal, you could have a major problem just on picking the animal up. Rabbits are very quick to want to move and, if you don't support them, you have literally fracture their back. Simple things for veterinarians because we've had all that training. Not so for someone without that experience. So it's very important that we work together on this. The training that's required through the Animal Welfare Act is something that we all applaud. Scientists will seek out information. That's part and parcel of being a good scientist. You know your limitations. At the same time, with all the regulations, I'm sure you'll hear someone say, "What do you mean I have to fill this form out again? How many times do I have to do this?" Paperwork, red tape -yes. Everybody will balk. You can go down and fill out the forms to get your license renewed and you're still saying, "I can't believe I have to fill out another form."

But there's a reason behind that, and that gets back to accountability that I referred to earlier. If the way in which one approaches this is set in the right context, it can be a very positive repaire that you will have and people will do it and they will do it to the best of their ability. With principle investigators that I have dealt with, we do mumble, but we realize why it has to be done and we do it. I think we do have a really good set of rules and regulations right now and what we want to do now is take advantage of executing those rules and regulations because what they have allowed us to do is to move more and more and more into performance-based approaches. That's really good because there is such a range of facilities that you have. Some have excellent financial support; some don't. You have various ways of achieving sets of formal standards. I think having that lattitude is very, very, very important.

One thing I would like to do is to highlight what I feel are some of very important groups that are here represented in this room. The one thing that scientists have done is work together. There are some very good agencies that have come with the Animal Welfare Act at the heart of all this to work together. The Institute of Laboratory Animal Resources (ILAR) was founded in 1952 under the auspices of the National Research Council and it was the first one to issue publication of the *Guide for the Care and Use of Laboratory Animals* in 1963 with subsequent revisions, the most recent being the 1996 revision. This guide was to assist institutions in caring for and using animals in ways judged to be scientifically, technically, and humanely appropriate. The *Guide* was also designed to assist investigators in fulfilling their obligations to plan and conduct experiments in accord with what we're all after: high scientific, humane, and ethical principles. The 1996 version of the *Guide* strongly affirms this conviction and, moreover, it does charge the users of researcher animals with the responsibility of achieving specified outcomes, but it leaves it up to them to accomplish these

goals through performance-based approaches.

The *PHS Policy*, applicable to all PHS-supported activities involving animals and compliance with the *PHS Policy* requirements, falls under the guise of the Office of the Protection of Research Risks in the National Institutes of Health which has responsibility for the administration and general coordination of the policy on behalf of the PHS. This too provides specific guidance, instruction, and materials to institutions that must comply.

Institutions must assure that programs in their facilities are either 1. accredited by the Association for the Assessment of Laboratory Animal Care International (AALAC) of which John Miller has just taken over the helm. They indicate what scientists certainly have a lot of respect for. That is, given rules and regulations, there is also the potential for people to want to self-govern. They do have as their goal excellent science and will try to follow through and devise, not just the minimum, but take that further and develop very high standards. AALAC accreditation certainly commends that and has a nice way of acknowledging how much an institution has done.

The American Veterinary Medical Association recognizes the American College of Laboratory Animal Medicine, also known as ACLAM, as a certifying organization for laboratory medicine. ACLAM was founded in 1957 to encourage education, training, and research in laboratory animal medicine. To establish standards of training and experience with veterinarians professionally when they are invoked in the care and health of laboratory animals and to help to recognize these qualified people. The idea of working together towards improving methodology and animal welfare is absolutely quintessential and veterinarians are the best to be able to provide that information.

Scientists have the capability to design their experiments, but they need to also speak with members of the academic community to make that experiment the best design they can. When you're dealing with an animal, you're no longer dealing with an inanimate object. It's not a test tube. There's an awful lot that has to go into forethought to do that.

The provision of veterinary care covers some key areas to help make sure you are going to have the best science. That involves disease detection and surveillance, prevention, diagnosis, treatment, and resolution. The handling and restraint, a very simple thing sometimes, can cause more distress when done in the wrong way. Anesthetics, analgesics, tranquilizers, and methods of euthanasia following the guide of the AVMA for their euthanasia procedures. Being able to understand behavior and follow through appropriately with species variation is where a veterinarian can help scientists pull this one off. Surgical and postsurgical care, like human medicine, veterinary medicine, doesn't stop at 5 o'clock and you go home. Operative and post-op care has to be 24 hours. Veterinarians are able to institute the proper guidelines for this and the proper training required for animal care staff versus researchers and their students and their technicians. Following through and the nature in which this is done comes from the person who can really set the tone. The compassion is



there but many times it needs a little bit of guidance. The overall animal well being and appropriate use in research is an area that we do help tremendously.

For the future, I know that there is one workshop that's being conducted right now at the Tufts Center for Animals and Public Policy currently with USDA to make sure we do look at the reclassification of pain and stress categories. There is room for improvement. This gets back to accountability, and there is a workshop going on right now to take a look at that.

I can't walk away without making a comment that was made earlier. The Animal Welfare Act does cover a lot of animals and we're still waiting to see that it will eventually cover rats and mice. I know it will require more funding because you do need to have the personnel to carry that out. With PHS policy on board, there are many institutions that don't have a problem because they are under requirement to include all warm-blooded animals by PHS policy. But there are an awful lot of institutions that do not necessarily have investigators requiring PHS grants. There is peer pressure and peer pressure helps, but institutions have to provide the funds to provide the proper facilities. I think where there's impetus, we will get the funds and we will see some of those changes down the road.

Another development for the future, we're seeing at a very rapid pace now, is transgenic animals. Xenotransplantation. Gene therapy. Science is marvelous. It's moving very fast. It leads us into areas where we really don't know what will happen and what to expect. For the future, there are some very exciting times ahead of us. I think we will all meet with a lot of excitement.

In closing, I would like to emphasize that we work together. There's some terrific new technologies as we exchange information. As our science advances, so does the way we handle and take care of animals. We congratulate all the members of APHIS/REAC for the marvelous job they have done. Happy anniversary.



## Dealers

*Moderator - Tim Allen*

*Our next speaker representing regulated industries is Marshall Meyers, Executive Vice President and General Counsel, Pet Industry Joint Advisory Council (PIJAC). PIJAC is the largest pet trade association in the world. He is also the senior partner with Meyers and Alterman which specializes in regulatory law regulating the pet industry and the aviation industry. Under Mr. Meyers leadership, PIJAC has developed a certification program in animal husbandry, instruction manuals, and has an increasingly recognized seminar series. In his free time, Mr. Meyers likes to collect old books and trains. Please welcome Marshall Meyers.*

### **Marshall Meyers, Executive Vice President and General Counsel, Pet Industry Joint Advisory Council**

Thank you for inviting me to participate in a symposium celebrating the 30th anniversary of the passage of the Animal Welfare Act. Though I must admit that the only USDA document I've read that is more ambiguous and vague than the regulations was the invitation to appear today, apparently seeking our historical perspective and future direction.

While I am appearing today representing the "dealer" community, my experience with the Act over the past 26 years is multi-faceted not only as a pet industry spokesperson and advocate, but also as an attorney individually representing biomedical facilities, zoos, a marine park, Class A and B dealers, and numerous exotic animal dealers, many of whom are far more exotic than the animals they possess.

As I look around the room, I am amazed at so many faces who were here 30 years ago. I'm one of the young ones, since I actively became involved a mere 26 years ago when the Act was amended to encompass breeders and brokers for the pet trade. I am not sure, however, which has aged better, me or the Act!

The ensuing 26 years have been educational, informative, interesting, and sometimes tumultuous and frustrating. Attempting to revisit the pet industry's involvement over the past 26 years and gaze into the future in the time allotted is truly not possible. However, I will briefly touch on a few historical, and possibly hysterical, moments before delving into



several areas which all of us concerned with animal welfare should consider.

The 1970 Amendments introduced a major section of the pet industry to the wonders of Federal bureaucracy. In fact, few in the industry were even aware legislation had been introduced. Virtually no one in the pet industry had ever heard of APHIS, Whitehurst, Rogers, Dingall, Foley, Melcher, or even Christine Stevens.

As could be expected, breeders and brokers - when confronted with proposed regulations were fearful and ill-equipped to deal with the regulation promulgation process. There was no organized pet industry at that time. Therefore, Christine, we in the pet industry are indebted to you and thank you because the Act became the stimulus that helped galvanize the pet industry into action. Moreover, we learned about how federal regulation can help, even legitimize an industry -- maybe not what some of you intended. The Act did, however, establish norms by which society expects the industry to perform. Again, we thank you!

The Pet Industry Joint Advisory Council, PIJAC, was not organized until December, 1971. Thus our industry's involvement was quite limited until the Transportation amendments of 1976. We were fighting off injurious wildlife issues with the Fish and Wildlife Service! But we learned quickly the importance of becoming involved with the Animal Welfare Act. And it did not take long for us to get to know the Mulherns, the Chaleauxs, the Schwindamans, the Whitings and many others who were instrumental in the formative years. Each brought a different perspective, some with a better sense of humor than others!

Throughout our involvement, however, we have witnessed an agency woefully underfunded, understaffed, yet continuously facing expanded responsibilities imposed by Congress. Despite these problems we have witnessed a number of remarkable accomplishments.

From the onset of this program, USDA's philosophy of bringing people into compliance rather than being a heavy handed cop has stood the agency well. APHIS traditionally was an excellent communicator; it has strived to work with all constituencies in attempting to adopt rational and reasonable regulations. Yes, this approach has its limitations, sometimes it stretched credibility and credulity, but nonetheless it has proven to have been the best approach in dealing with highly emotional issues.

In reviewing reams of my AWA files dating to 1966, I ran across testimony, correspondence and trivia from a number of you attending this symposium. But I was touched most by a handwritten note from Fay Brisk, a champion of the Act and humane shipping who monitored the old REA facility at National Airport, offering to meet with our shippers in the Midwest to discuss her concerns about crating. While Fay and the pet industry were often at odds on a number of issues, she went out of her way to work with shippers, calling them at her own expense to discuss how their shipments arrived and to give

them advice on how to do a little better. This was the spirit that helped shape the early collaborative efforts of APHIS.

APHIS has continuously struggled to fund its operations.

“Manpower to complete inspections is clearly inadequate. Approximately 17% less people are available to operate the program than when the Animal Welfare Act was passed. It is vitally important that qualified personnel be made available at the earliest possible time to carry out these important programs which were unanimously approved by the U.S. Congress.”

That was not a quote from 1996, but from the Animal Welfare Institute's December 1972 “Information Report”. I ran across USDA's 5-page outline, including detailed questions for consideration on humane care and handling during transportation, an outline prepared for a public meeting held on October 13, 1976. This meeting like a number of others USDA held when contemplating changes to the AWA regulations, was held to discuss issues, gather input, and try to be a consensus builder.

That meeting, attended by representatives from the shipping community, the airlines, and the welfare community, formed the basis for the initial round of transport rules that surfaced on March 18, 1977. In reviewing the files, I ran across some of the only scientific data in 30 years of files: weather data that demonstrated that USDA's proposed temperature rules would have prohibited air transportation into and out of Minneapolis 284 days a year! Needless to say, the final rule accommodated Minneapolis/St. Paul.

After the rules were adopted, we called a meeting in Kansas City to have the Department, then in our minds -- Dale Schwindaman, to explain what we perceived to be extremely vague and ambiguous shipping rules. As Dale finished, he heard the pleasant tones of puppies barking. We opened the conference room divider and watched as Dale attempted to demonstrate how to pack a variety of puppies into different size shipping crates. It had its moments; we laughed, he didn't!

The Agency, despite some criticism, has reached out to communicate. One person, Dale Schwindaman, personified the positive side of government regulators. An excellent communicator, a person that the small breeder in northeast Kansas or an independent cuss in eastern Oklahoma could relate to. Dale possesses that one ability so many of us need, the ability to not only say “no,” but also to have the affected parties leave understanding APHIS' position and respect the Agency. For that, we thank you Dale.

But whether the 1977 proposed transport standards, the massive revisions of 1989 overhauling major portions of the regulations, or the pending proposals, the pet industry has continually strived for rational regulation based upon some semblance of supporting data, at least an iota!

Somewhere in the mid-80's, the Department's outreach waned. Fewer and fewer public meetings, rumors of more and more private meetings with humane groups, a blue ribbon committee report that appears to have achieved little, a perception that a polarization was emerging, that the Department no longer sought balance and paid more and more deference to animal welfare organizations. More rules, prosecutions, and other actions were couched in terms of this is what the "public" wants. But, we are not sure who that public really was. Unfortunately, we have drifted into an "us" versus "them" mentality. We need to deal with it, be it reality or perceived.

Through it all, we as an industry, have attempted to maintain a sense of balance, we have continually attempted to work with the Department, and possibly most importantly, we have approached these issues with the aim of reaching consensus having rules based upon some data, even though not scientifically based. We have sought performance-based standards which provide for objective, not subjective interpretation. We have also tried to maintain a sense of humor and refrain from personalizing the debates.

While the Animal Welfare Act has benefited our industry, this 30-year social experiment has and continues to face serious hurdles. Inadequate funding, poor enforcement, regulations often based on emotional whim and undue influence have diminished the Act's effectiveness. Somehow, we need to go back to a more collaborative posture similar to that experienced in the early history of this Act.

The three public meetings on dogs and cats in the commercial pet trade held earlier this year in Kansas City, St. Louis, and Washington appeared to be a new beginning. We even thought someone might be reinventing government! Our industry went with open arms to discuss problems and look towards a more open dialogue with all concerned. Those meetings were a step in the right direction. It was beneficial for our industry to meet with and talk with representatives from the welfare community in a non-adversarial forum. I urge the Department to continue the process so that those you claim are your customers, be they the animal industry or the animal welfare industry, can feel that they really have your ear.

I would be less than candid if I did not relate concerns that emanated from the Kansas City and St. Louis meetings when the attendees were advised that the Department had no legislative agenda, had no plans for regulations on the front burner, let alone a back burner. Only a few hours into the meetings, it was revealed that there may be a few legislative plans or regulations in the wings.

On August 1 during Congressional hearings, only three and a half months after the Washington meeting, we learned that the Department had under consideration for some two years a proposal to eliminate all Class B dealers! Needless to say that has not instilled tremendous confidence in your customers.

Level with them. Remember the majority of your customers are small business people

that come from beyond the Beltway and do not necessarily trust government. Watch the polls no matter which party thinks it's in power. The silent but real public has a general distaste for and distrust of government. Many in our industry feel deserted, lied to, and at your mercy. That's fortunate for my profession, distrust of lawyers is now in second place!

As we face the future, what can we do together to ensure that the Act becomes more effective:

1. Enforcement
2. Enforcement
3. Enforcement

That was simply to emphasize that enforcement was the message, loud and clear, that came out of every session in Kansas City, St. Louis, and Washington, D.C. Adopting more rules for the sake of appeasing Congress or keeping lawyers gainfully employed does not necessarily benefit animals.

I would now like to briefly touch on several other areas where we believe a collaborative effort could prove to be beneficial. Holding more public meetings or workshops to delve into a number of the ideas that surfaced during the three public meetings is essential before APHIS launches more poorly crafted regulations. Industry, the welfare community and the Department need to work in a more collaborative spirit.

We need to focus on improved educational programs at all levels. We need to work together to implement continuing education programs for all involved, not just Class A and B dealers. We need to work with the Department in developing more innovative regulatory mechanisms, such as a rewards or recognition program for those that excel in facilitating the inspection process and in attaining continuous compliance. We need to work together to improve the overall enforcement process. And most of this can be done without more regulation. Poor enforcement does little good for our industry.

I will now let my personal experience as an attorney defending licensees surface. The process for prosecuting cases is archaic and cases are brought not months but years after the alleged violations, so respondents have little to no opportunity to produce any evidence in their own defense.

Poorly crafted administrative complaints do little more than set forth conclusions of law and do not afford respondents adequate notice of the violations alleged. In virtually no instance are the facts leading to the conclusions set forth. For example, a complaint will allege that "Animals were not provided with wholesome and uncontaminated food" or "the premises were not kept clean." Without the factual basis for these conclusions, or more detail on the alleged infraction, it is virtually impossible to file a coherent answer other than deny everything and start the delay tactics.

As a matter of fundamental fairness and due process of law, respondents are entitled to be informed of the precise charges and entitled to quick disposition. An excellent example of the system's weakness involves a case we recently settled. A vague and ambiguous complaint, replete with numerous minor issues, was followed by a number of petitions, delays, conferences, etc. The file is more than two inches thick. All of this for a case we settled for a brief suspension period and a \$6,500 fine. It took a year and 5 days. The rules need to be revised and updated. USDA's enforcement has improved in recent years. PIJAC recently published an update summarizing six months of APHIS' enforcement activity involving 19 cases in 13 states.

## **PIJAC Update**

It still takes too long, however, to shut down substandard facilities. Possibly, the Department should convene a meeting with a variety of attorneys who have prospered under these rules to ascertain what changes might be made to improve the process. REAC also needs to revisit its inspection form to make it user-friendly, informative, and useful.

Education, inspectors, licensees, common carriers, and even members of the humane community, we need to better understand each other's needs and requirements. We need to jointly produce much needed educational aids, be they video or manuals, such as a photo manual apparently distributed by the APHIS Fort Worth office. I have never seen it but I've heard rave reviews!

Improved collaboration, not just more public meetings and workshops, but possibly having your RIPT and RAPT teams meet with your customers! Some quizzical faces, how many here have ever heard of RIPT or RAPT? RIPT, Revised Inspection Procedures Team.

RAPT, Regulations and Policy Team. What are their roles? What are they doing? Are they operating in a vacuum? Are they going to produce recommendations and reports not relevant to the real world? What do I tell several hundred Class A and B dealers and PIJAC members in Kansas City? Is this like your earlier message, "We have no legislative or regulatory plans under consideration?"

Promulgation of regulations, a process that clearly needs to be revisited as we are about to enter the 21st century. We are in a technological age. Why can't we start looking towards scientifically-based studies before proposing significant changes to the regulations? What's happened to the FAA canine studies? Do they support the proposed temperature limits? The proposed regulation is remarkably silent.

Promulgating regulations in the late 1990s should be made of sterner stuff. In the early 70s, there was no data; experience on regulating animal facilities was virtually non-existent. But times have changed. Let's look at those recently completed FAA studies and try to reach consensus on acceptable temperatures and exposure times. Arbitrarily picking numbers out of thin air should no longer be tolerated. Adoption of rules absent valid data



seriously affects the Act's credibility and credulity.

Imposition of unrealistic rules on the airlines, for example, will achieve the opposite of what is needed, airline embargoes. We are then compelled to revert to surface transport and thus not necessarily provide the most expeditious mode of transport with the least stress. What about negotiated rulemaking? Should we try it?

Despite my barbs, the successes over the past 30 years clearly outweigh the Act's failures and frailties. All of us have too much invested to sit back on our laurels. Let's revisit the successes that came from the collaboration achieved in the 70s and work together to:

- continually improve the process to enhance enforcement and education, and
- obtain the research needed to justify changes to the Act or regulations.

I leave you with -- Let's reinvent collaboration and cooperation. Thank you.



*Moderator - Tim Allen*

*Our next speaker will represent the biomedical research community also. Barbara Rich is the Executive Vice President for the National Association for Biomedical Research. She joined NABR, as it is more commonly known, in 1984 in time to be involved with the 1985 Animal Welfare Act Amendment process. She has 25 years of experience dealing with public policy questions on behalf of research institutions.*

**Barbara Rich, Executive Vice President,  
National Association for Biomedical Research**

I am honored to be here today representing the membership of the National Association for Biomedical Research and to celebrate the thirtieth anniversary of the Animal Welfare Act and the tenth anniversary of the Animal Welfare Information Center. You probably want to know what the acronym NABR means beyond its initials and who we really are. Let me try and give you the full flavor of who NABR is. We represent a slice of (about 25%) the whole range of research institutions that are covered by the Animal Welfare Act and who are regulated by USDA. Three quarters of NABR's 350 members are academic institutions or scientific organizations and the remaining quarter are research-intensive companies. Ninety percent of the U.S. medical colleges and 80% of the U.S. veterinary schools are NABR members as are 75% percent of the pharmaceutical research and manufacturers association members. That includes 43 of the largest U.S. drug companies.



The fastest growing segment of our membership is in biotechnology. In the last two years, 20 biotechnology members joined NABR, including the five largest companies. More than 90 scientific organizations participate in NABR. They represent researchers involved in every field from anatomy to zoology. We're also very pleased to have a wide range of groups that sponsor research and work for people who benefit from biomedical research. We're usually called to help organizations including American Heart Association, Cancer Society, Juvenile Fund of Diabetes Foundation, and similar organizations representing many other patient groups.

NABR was established in 1979 so we're younger than the Animal Welfare Act, and these days I'm happy to be younger than anything. Because NABR is the responsibility of

the National Society for Medical Research in 1984, we really are heirs to a much longer tradition. The society was founded in 1946, and that fact gives us a history of 50 years working for responsible animal research. Dr. Bernadette Dunham did a wonderful job explaining a wide range of groups that have existed for at least that long and I know there are others, such as the American Physiological Society who are here today, who have over a century of tradition in responsible animal research.

The message NABR wishes to bring to the celebration is really very simple and it is how important laboratory animals and their welfare are to biomedical research. We at NABR believe very strongly that excellent science requires excellent animal care. My original idea to illustrate this fact was to describe for you some examples major research results that have been achieved since the Animal Welfare Act came into existence. But after trying to condense what some people would say was the most productive period of biomedical research, I realize there just isn't time this afternoon for me to do justice to that subject.

I'll give you one proxy of how important animal research is to the world. Since 1966, when the Animal Welfare Act was enacted, 23 of the 30 Nobel Prizes in medicine, and that's about 80 percent of all the prizes, were awarded for work that required laboratory animals. The fact that the large majority of the Nobel winners are Americans is a testimonial to the unique partnership of academia, industry, and government in this country.

Our nation's animal welfare laws are a critical element of Government's contribution. It's not just research funding that Government provides for research, but encouragement for research quality. When I talk about research, it's always tempting to talk about the stunning successes. But we all have to remember that failure may come as well from excellent research. The opportunity to learn always brings with it the opportunity to fail. As long as the Animal Welfare Act standards and procedures are followed, research opportunities can be pursued without failing our duties to laboratory animals. In a similar vein, facts must be verified by retesting. That's the root definition of research - to look again. To look again at what other people have looked at hundreds of times and to see, for the first time, something new. Something that more fully provides facts about what's being seen.

A respected educator quoted in a USDA study some years ago said that he thinks that as much as 50 percent of the medical facts that are taught today are likely to be wrong. The challenge for researchers is to find out exactly which 50 percent. Duplicating some research is essential, as I hope you can see, with the principles embodied in the Animal Welfare Act, and those are the principles that we all refer to as the 3 Rs. Research can be repeated when it's necessary.

Finally, although I said that there's some research that seems to produce immediate, outstanding results, and although we know that other studies send researchers right back to the drawing board, probably the most common type of research represents a small step along

the way toward stunning success or perhaps toward utter failure. In the case of basic research, you may question whether progress is being truly made. But let me assure you that, besides the Animal Welfare Act, there are many other controls at work.

The competition for Federal research dollars is too great, industry's R & D (Research & Development) budgets are too precious, and researcher's time is too scarce to waste on pointless research that are not designed to fill real gaps in our knowledge. For example, in Dearly's studies to characterize the nature of slow viruses, it wasn't easy to see the value that there are such things and how they behaved until the emergence of AIDS. Therefore, we had a jumpstart on the process of AIDS in the human body. Remember too that it was not those who were responsible for creating the polio vaccine that received the Nobel Prize, the prize went to the basic scientist whose work on duplicating the virus made the vaccine possible. Therefore, as we continue to balance laboratory animal welfare and research needs, we must proceed with very clear eyes.

It is rarely possible to judge the full importance of research in advance. Research excellence depends on both a peer-review process for scientific merit and sound oversight of research animal care and use. It is for these two reasons that NABR exists. NABR is committed to both scientific excellence and animal welfare quality.

I know we have a reputation for being quite outspoken on behalf of science. We are; we're proud of it; that's our job. But please understand the purpose for our being outspoken. Our purpose is not, as is sometimes suggested, to oppose animal welfare regulation. Rather, and the reason we are tough, is because we support the best quality animal welfare regulations that we can have. NABR will go to the mat to make sure that scientifically valid regulations truly benefit both research and laboratory animals are ones we put in place. We will take advantage of every chance that's involved in achieving those objectives. By that, I mean we will be as active as we can in the legislative and regulatory process and the collaborative process that's been described today with some wonderful new ideas on how to achieve better trust and better collaboration. Once the bill is passed and the legislation is signed, we want to stand behind every letter of the Animal Welfare regulations. Our research community wants to live up to our animal welfare standards. We want to do that not just because it is the law, but because it is right, because excellence in science depends on it, and because the public demands it.

NABR understands and appreciates the role that USDA plays. They play a role in not only our laboratory animal welfare system, but also an irreplaceable role in maintaining public confidence in research. We thank all the APHIS staff who have worked so hard with us over the years. We thank all our fellow regulated entities for their cooperation, collaboration, and humor. And we thank, too, all the representatives of animal welfare organizations who, like NABR, have done their job in shaping the animal welfare system we now enjoy.

With those thanks, I'd like to close, but I'd also like to make some pleas as some of the previous speakers have. Mine are two. First, let's redouble our efforts to improve research facilities compliance, compliance, compliance as well as APHIS enforcement, enforcement, enforcement. We both have our roles to play. NABR will give assistance to help facilities better comply or for better enforcement by USDA. Lastly, and most importantly, let's try to educate the real public better. The Animal Welfare Act is one of the best kept secrets we have. Those of us in this room who are involved with laboratory animal welfare can become preoccupied with the day to day details. Unfortunately, the general public does not know much about our work. Believe me, the environment for animal welfare would be vastly improved if the public did know more about the work of everyone in this room and the Animal Welfare Act. NABR, once again, will do what we can and we're very pleased to hear the interest of Assistant Secretary Dunn and others in all of our participating in Federal public education programs. Thank you and happy anniversary.

## Humane Groups

*Moderator - Tim Allen*

*You have heard from people who are affected by the regulations. What we'd like to take the opportunity to do now is to give those people who have been intimately involved in the development and the evolution of the Animal Welfare Act a chance to give their viewpoints about how they see the Act's performance over the last thirty years. Starting out this section, I'd like to introduce Ms. Cathy Liss, who is the Executive Director of the Animal Welfare Institute. Cathy received her bachelor's degree from Virginia Polytechnic Institute. She studied animal science, wildlife management, and biology. Since 1982, she has worked full-time for the Animal Welfare Institute and the Society for Animal Protective Legislation.*

### **Cathy Liss, Executive Director, Animal Welfare Institute**

Thank you very much, and I greatly appreciate the opportunity to be here. It is an honor to celebrate the Animal Welfare Act and the ten-year anniversary of the Animal Welfare Information Center. The vast majority of Americans support humane treatment of animals. The Animal Welfare Act is a Federal law representative of the views of the masses. As the responsibilities under the Act have grown and expanded, an increasing number of animals have benefitted from its protection. Much



animal suffering has been prevented thanks to the Act and the USDA's enforcement of the Act. We support the USDA in its efforts to enforce the law. It's a tough, often times thankless job. Staff are subject to constant pressures from all sides. Increased pressure has been brought recently by reduced numbers of inspectors out in the field, and I understand it's at an all time low now, of only about 72. Perhaps that's something we all might be able to get behind and increase the number of inspectors out there getting the job done.

The Animal Care program has had to contend with many hurdles over the years, including headquarters staff, that are now thankfully gone, who lacked the commitment to the Act and reorganized the program. Lack of sufficient operating funds has been a serious and ongoing problem, and the Office of Management and Budget which has oversight over all proposed regulatory and legislative changes, has been most adept at serving as a concrete wall, bringing all attempts at humane progress grinding to a halt.

I'd like to speak a little bit about a couple different issues, and it was very tough for me to decide which issues to bring up during this short period of time. I really needed the entire afternoon. On enforcement, one of the most serious problems, we would agree, with the Act and keeping compliance with the Act, has been the dreadful delays in getting cases prosecuted. Our research looking at various Class B dealers has shown that it takes oftentimes five and six years for a case to be documented, a case to be filed, and ultimately the prosecution and decision, and in some cases we are even still waiting beyond five and six years because the dealer is appealing the case. As long as the case is under appeal and under consideration, these dealers are still in business and are still selling dogs and cats for research purposes. One such dealer is someone noted for selling 1600 animals without proper records documenting where they had come from. He is still in business six years after the violations were first noted.

I do offer a way to try to correct this, and I am sorry Mr. Dunn is not here, but we'll make sure he hears this. One suggestion that I have, which will also tie in with the empowerment they like to give the people in the field, is the notion that when they [APHIS/AC inspectors] go to a facility that they feel is a serious problem, that particular inspector, whether it is a VMO [Veterinary Medical Officer] or an ACI [Animal Care Inspector], is able to flag it, and say, "This is something that definitely needs the attention of someone high up, and I'll leave it up to the Department to determine how high up it should be, but it shouldn't be a many-tiered level as I think currently exists." Someone extremely knowledgeable about the Act and who doesn't have a backlog of paperwork should be able to review these cases immediately and decide if they need to be acted upon. Someone will have to make that judgement call. Either move ahead with it, and move ahead with it promptly, or perhaps deem, "No, sorry, at this time we don't think it's that serious." Maybe the next time the inspector goes, he sees things again, flags it again. The previous flag ought to still be there so the case now has two flags on it, and maybe ultimately we will count and find out how many times inspectors have to note these. Maybe it's going to take ten flags. But then understand the frustration of an inspector in the field who was trying to get the job done, going time after time to a regulated entity, finding failure to comply with the Act, and seeing nothing done about it. Their concerns are proper concerns, and they must be addressed by this agency.

I understand that there is a Program Results Monitoring Team that has been organized, and part of this is determining how the agency would be complying with the Government Performance and Results Act, and perhaps looking at ways to do the job better. It is a long and involved process, so I'm not going to get into it. We have submitted lengthy comments by both the Animal Welfare Institute and the Society for Animal Protective Legislation. But I do want to make a couple of points very clear. One is that we think we have the minimum amount of inspections that are conducted across the board. Certainly we think more attention should be paid to the chronic problems. But the avenue that the institutions may be able to go a year, or two years, or heaven forbid three years without an inspection, is completely and totally unacceptable. And the notion that somehow industry can exist hand



in hand with determining who gets inspected and who doesn't, for example, the idea that if you are AALAC accredited, you maybe only need to be inspected every other year, is also unacceptable.

A number of years ago this was proposed. At that time we went through the USDA inspection reports, looked at those institutions that were AALAC accredited, and found just as many serious, repeated violations and apparent violations of the Animal Welfare Act in AALAC accredited institutions as those that were not AALAC accredited. Keep in mind AALAC visits are once every three years and they are announced. That might mean that an institution has very fine-looking facilities and good paperwork at the time of the inspection, but what goes on a day-to-day basis could be very different. These sorts of shortcuts are completely unacceptable.

The next topic I'd like to talk about is performance standards. In the late 1980s, during the preparation of regulations for enforcement of the 1985 amendments to the Act, we faced the obstacle brought forward by performance standards. This was regarding the regulations of exercise for dogs and a physical environment adequate to promote the psychological well-being of primates. The research animal industry embraced the notion that animals would be better served by performance-based standards than engineering standards, which had always been the basis for regulation. The line offered sounded good to the naive, and salvation, I would guess, to those seeking to maintain the status quo. But fundamental problems with performance standards are (1) that they are based on individual opinion, and opinions vary greatly, and (2) that it takes a great deal of time to determine the well-being of each individual animal. Time and money that the industry knew the USDA simply doesn't have. Further, the so-called plan that every facility adopts to provide for exercise for dogs and a physical environment to promote psychological well-being of primates is a secret plan, not subject to public scrutiny.

How many cases have been brought forward for failure to comply with these performance standards? Indeed, very few, if any and that is not because of widespread compliance. The vast majority of primates are still single-housed, despite the fact that these are social animals. Performance standards have not helped to change this requirement, whereas the straightforward requirement that all primates be housed in pairs or in groups, would have been simple to enforce, clear to understand, and would have actually guaranteed that this most basic behavioral need is met. As is the case with every requirement under the Act, should a researcher provide sound reasons for not being able to socially house animals, an exception could be granted by the IACUC. Sadly, the research industry has succeeded in obtaining regulations supposedly based on performance, and animals are being denied the improved situations they so richly deserve.

There is likely to be a continued push for adoption of this sort of regulation for other species, with this seriously flawed notion. There are institutions that offer good opinions about what to provide in the way of enrichment and may be doing a very good job. I'm

talking about those down at the bottom who have done the very least and will always do the very least, and trying to bring them up to a higher standard. I don't think that is being accomplished currently.

A few quick remarks on the issue of pain, which I think is very, very important. A pain scale was proposed back in 1987, and following strong opposition from the research community, it was lost. Now the notion is resurfacing, and here we are once again ten years later, trying to address this, and I think it is a shame it wasn't addressed before. That being said, even the pain that's being reported may not be reported accurately. I understand that institutions are reporting it in very different ways. That is, sometimes they are reporting only that pain actually experienced by animals at their institution. It is my understanding that is what Congress fully intended with the 1985 amendments to the Animal Welfare Act. Other institutions, however, seem to take a simplified approach, which is, they will list their protocols if they believe animals will experience pain. At the end of the experiment, whether or not the animals have experienced pain, they still maintain those figures. That would allow if a research project was done, and they didn't anticipate pain, and animals did experience pain, it wouldn't get noted. Again, I think that would be a violation of the 1985 amendments.

I'd also like to add what was pointed out in the January 1995 OIG report, which looked at individual researchers' preparation of protocols, and their search for alternatives and also looked at IACUC reviews that were being conducted. The Act requires that the principal investigator consider "alternatives to any procedure likely to produce pain or distress in an experimental animal." The OIG also identified the failure of the principal investigators to fulfil their responsibilities. For example, of 36 research protocols that were reviewed at nine research facilities, 12 "did not contain a written narrative description of the methods and sources used to determine that alternatives to the procedures were not available." This is precisely the type of information that AWIC is especially equipped to assist with. And I do hope at some point we can address the point of preserving, maintaining, and increasing support for AWIC.

The issue of B dealers, and of course those of you who are familiar with me know that I could not let an opportunity pass without bringing up this issue. I also hope that all of you are aware of the legislation that is pending in the House of Representatives, HR-3398, sponsored by Agriculture Committee members Charles Canady and George Brown. I would also like to add the good news that starting next week, there should be a Senate bill. The issue is alive and well. We had a hearing on August first which we are very pleased about. I am very concerned that there isn't more cooperation on the B dealer issue. While we hear the claim that no researcher would want to do research on someone's pet, what is actually being done to ensure that they are not doing research on someone's pet? It's interesting, as Christine was speaking about the call for dalmatians by Montefiore Hospital, it reminded me of the current situation I heard only a few weeks ago at the hearing. Research institutions called for larger breeds and older dogs, and I can see the bunchers out now going around and collecting those animals for them.

I don't appreciate those concerned about eliminating B dealers being painted as terrorists. For the first time ever in my involvement, and I have to check with Christine about her involvement dating back all this time, we have never been aware of a situation where witnesses' names were kept secret. Supposedly, the notion was that they were kept secret because they didn't want something bad to happen to them. Because of this concern that there might be some sort of terrorist activity, the number of people even allowed to sit in and hear the hearing was greatly limited. In the time I've been attending hearings, that was a first. Further, at least one of those institutions that testified supported B dealers and is currently using a B dealer that has very recently been convicted of violations of the Animal Welfare Act. That institution is well aware of that conviction. It reminded me of research institutions that were using Irv Stebane, despite the decades long history of violations and were aware of cases being brought against him by the USDA.

I want to mention that I brought this notebook, which provides a lot of documentation including scientific statements of support for the elimination of B dealers supplying dogs and cats for research. Included in there, I am pleased to say, is a statement from Dr. Bob Whitney, who is well-known from his 22 years spent at NIH.

Just a few last remarks: one regarding the Animal Welfare Information Center. I want to express appreciation to their dedicated staff. The Center, created under the Improved Standards for Laboratory Animals Act, is an invaluable and seemingly endless resource for all who are involved in and concerned with the care and use of animals in laboratories. They provide educational services and information on alternatives, and it has been a pleasure to see the Center evolve into a high-tech, efficient, effective, focused, hard-working team. Congratulations to them on their 10 year anniversary.

In looking to the future, I have made three wishes. One of them of course would be the end to Class B dealers supplying dogs and cats for research. Secondly, to bring about increased appropriations. Frankly we think it should be doubled, that may be a bit unrealistic, but I'd take any sort of increase these days because it has been stagnating, for enforcement of the Act. Third would be to request a whole lot more wishes, because I couldn't narrow it down to three. However, I would reiterate the statement that rats, mice, and birds ought to be covered. That involves getting the money and getting that job done too. Finalizing the new pain scale is very important as well. I'm delighted with the interest shown by the Department, as well as from the private sector in the vital law of the Animal Welfare Act. Again, thank you for the invitation to speak here today, and happy anniversary.



*Moderator - Tim Allen*

*Our next speaker is Ms. Adele Douglass. As Director of the American Humane Association's Washington, D.C. office, Adele Douglass advances the organization's legislative agenda to protect children and animals. During her tenure with the American Humane Association, Ms. Douglass has testified on a variety of issues at Congressional hearings. She has written comments to Federal agencies on proposed regulations and policies, met with key legislators and White House staffers, and initiated Federal legislation. An astute lobbyist, Ms. Douglass has been active in issues like pet theft, alternatives to animals in research, wild horses and burros, marine mammal protection, and the Family Preservation and Support Program. She is currently working on Child Abuse Prevention and Treatment Act and farm animal reforms with the American Humane Association. In addition to representing the Washington, D.C. office, Ms. Douglass represents AHA at national conferences and meetings across the country about farm animals, animal welfare, biotechnology, and alternatives to laboratory animals in research. She does workshops on animal welfare issues as well as political organizing, campaigning, and lobbying. Ms. Douglass represents AHA on a variety of committees including the American Veterinary Medical Association's Animal Welfare Committee and was instrumental in the formation of their Science Advisory Committee.*

**Adele Douglass, Director, American Humane Association**

The American Humane Association (AHA) was established in 1877 by the 27 U. S. humane societies that existed as their national federation. Shortly thereafter, the first child cruelty case was tried under an animal cruelty statute in New York and from that time on, the American Humane Association has protected both children and animals. Today, I'm going to talk about the history of the animal division of the American Humane Association.

The American Humane Association has a long history of involvement with the U.S. Government and the Department of Agriculture in working for the protection of animals. When American Humane came into existence in 1877 one of its first tasks was to consider means for combating the abuses connected with livestock transportation and to find some way to put teeth into the 28-Hour Law. At the annual AHA convention in 1881, delegates voted to put forth a test case on the existing 28-Hour Law. And though it took several years to complete the case, the final decision was in favor of AHA. As a result the Federal Government placed



the enforcement of the 28-Hour Law in the hands of the Department of Agriculture.

In 1915, American Humane condemned shipping American horses for slaughter on European battlefields. In 1916, the U.S. government asked AHA to organize a relief service for Army animals. AHA did and that relief work became known as the American Red Star Animal Relief. The Red Star Relief became very active and in 1917 equipped horses with gas masks in the war zone. In 1919 the Humane Slaughter movement was renewed.

In 1920, the Red Star united with stockman to demand passage of legislation for Federal control of public domain. The Poultry Association also joined with AHA in an attempt to eliminate Easter chick cruelty.

In 1921, railway express took an interest in bettering shipping conditions for animals. The year 1923 saw President Coolidge became the vice president of AHA. In 1924, packing firms begin to cooperate with AHA's efforts against slaughter cruelty and the American Meat Institute worked with AHA for humane slaughter.

1936 saw American Humane introduce a plan to prevent cruelty to animals in motion pictures and an appeal to stop polluting the seas. A headline in one of our publications said it all, "War is Here".

1942, Red Star mobilized, the Hawaiian Humane Society performed a heroic job in handling animal victims of Pearl Harbor. In 1943, horses got more food after the Allies take North Africa, there was a wartime scarcity of food affected cats, and Red Star raises funds for humane societies in liberated Italy.

In 1945, societies planned post-war animal shelters. AHA announced the humane slaughter campaign would be resumed as soon as the war in the Pacific was won. In 1949, AHA fought dog seizure bills. In 1951, AHA started its campaign against roadside zoos. In 1955, Senator Hubert H. Humphrey introduced the Humane Slaughter bill in the Senate for AHA.

In 1957, a Federal Slaughter bill in the House of Representatives was introduced for AHA by Rep. W.R. Poage. In 1958, Humane Slaughter finally became a reality when H.R. 8508 was signed into law. A USDA advisory committee on Humane Slaughter met and AHA was a participant of the Committee.

During 1960, the American Humane Association organized a private group called the National Council on Animal Transportation. This group included principals involved in animal shipping and was tasked with developing standards for the humane care and treatment of animals during air shipment. The standards were to be voluntary. AHA's Cuban affiliate was taken over by revolutionary forces in 1961.

In an editorial from the September/October, 1964 *National Humane Review*, one of American Humane's publications, AHA endorsed Rep. Rogers' bill, H.R. 12408 which provided for:

1. The promulgation by the Secretary of the Dept. of Health, Education and Welfare of standards for good care and use of animals in laboratories after consultation with the Advisory Committee.
2. Authority to collect and disseminate information relating to the humane care, treatment and handling of laboratory animals and to fix standards of education for animal handling personnel.
3. The compliance with such standards by U.S. government departments and agencies and by recipients of grants or contracts from the US government.
4. Authority for the Secretary to adopt rules and regulations to carry out provisions of the Act.
5. Authority for representatives of the Secretary to inspect institutions subject to the provisions of the act.
6. An advisory committee with representation from interested groups to assist the Secretary in determining the standards, rules and regulations required to be issued.

From our perspective today these six provisions are hardly controversial. However, in 1964 they were so controversial that they were not in the law passed in 1966. The legislation that actually passed, according to the House Conference Committee Report was, "To protect owners of dogs and cats from the theft of such pets; to regulate the transportation, purchase, sale, handling and treatment of dogs, cats and certain other animals destined for use in research or experimentation; and to regulate the handling, care and treatment of dogs, cats and certain other animals in research facilities." The executive director of the AHA, R.T. Phillips said, "The new law will provide a tool to bring about a reduction in the sale of stolen animals and an improvement in the care of such animals in the hands of dealers."

During Congressional Hearings on the 1966 legislation, R.T. Phillips testified before the Congress and said, "On March 5, 1960, representatives of the Animal Welfare League investigated the Irwin Stebani Farm, a dog dealer in Calumet County, Wisconsin, following reports received about cruel handling of animals. The investigators found a wire-covered trailer fully jammed with dogs. The trailer was parked at an angle so that the dogs slipped to the lower end where they piled on top of one another ... another group of dogs was jammed into a cattle truck with more than twelve inches of excrement on the floor. Other dogs were tied out in the snow. Food consisted of a few dead carcasses, frozen and unskinned."

J.J. Shaffer, Managing Director of the Chicago Anti-Cruelty Society and the Chairman of American Humane Association's Animal Legislation Committee testified at the same

hearing. He said, "I want to make it clear that we are not here to wage war on medical research or its reputable suppliers ... Exposes of slipshod and cruel traffic in experimental animals that have triggered the present legislation proposals are so well documented and so widely publicized that nothing further could be served by my comments on them... Suffice to say that in the humane field, we feel just about as desperate and helpless as some of the publicized animal victims, because we don't have the authority or manpower to go it alone on the national clean-up campaign needed to end such shocking abuses."

On August 24th President Lyndon Johnson signed PL-89-544 into law. Upon signing the bill, President Johnson said, "Science and research do not compel us to tolerate the kind of inhumanity which has been involved in the business of supplying stolen animals to laboratories or which is sometimes involved in the careless and callous handling of animals in some of our laboratories. This bill will put an end to these abuses." American Humane was at the signing ceremony and was presented with one of the pens used by the President in signing the law.

In 1967, our newsletter reported that legislation was introduced in the House by Rep. Paul Rogers of Florida and in the Senate by Sen. Jacob Javits of New York to supplement the act" passed in 1966. "This legislation picked up where P.L.89-544 left off", R.T. Phillips said. "that is, the existing law generally stops at the laboratory door and the new act will effectively take over from there to complement the present law."

In 1974, legislation was introduced to amend the Animal Welfare Act. R.T. Phillips, stated, "I feel that we need legislation and regulations to enforce the voluntary recommendations such as the IATA (International Air Transport Association) manual and other excellent guidelines prepared by the airlines, railroads, The American Humane Association, etc. Under the Animal Welfare Act the Department of Agriculture has done an admirable job but has been limited by its inability to enforce regulations at some points where inadequate personnel, education, or mechanical or natural problems have interfered with the normal flow of traffic of livestock, including pets and laboratory animals."

R.T. Phillips, once again testified before Congress in 1975. He said, "The American Humane Association which is 99 years old, was set up as a federation of animal protection agencies and child protection agencies, as I said, 99 years ago, and actually the beginning reason was to achieve something in livestock transportation which led to the law that was passed in 1906, although the original Act was passed in 1878 ... at our convention in October, the delegates unanimously urged the Congress that it enact into law a bill that intended to reduce suffering of animals during transportation on public and other carriers and prohibiting dog and other fights..."

"I think that among other things that we are concerned with - and again, I'm briefing down - is the transportation of livestock and particularly horses by truck which has not been covered by the existing laws, and very interestingly we have been approached and are



working with the more or less independent or small truckers who would like to see enforcement of the ICC regulations which would cover the transportation of livestock..."

"We have supported this type of legislation earlier. We have also worked at it from the standpoint of CAB and FAA regulations and our concern is how do we get it done? In 1960, we called a meeting which has later developed into the National Council on Animal Transportation to see if we couldn't get all the people involved to come up with reasonable practical approaches to handling the problems ... Here 15 years later we are just beginning to get recommendations as bills or changes in regulations which that group approved and recommended way back in 1960. So it is a difficult thing to work on a voluntary basis."

In 1976, the Animal Welfare Act was amended to give direct authority to the USDA to establish standards for transporting live animals on all carriers and intermediate handlers, including airlines. In 1985, the AHA supported H.R. 5725 "Improved Standards for Laboratory Animals Act" introduced by Rep. George Brown and its companion S. 657 introduced by Senator Robert Dole. This legislation passed in December, 1985.

In 1988, we were contacted by one of our members, the Humane Society of Missouri who had done an extensive investigation of dog theft in Missouri. Several humane organizations had received complaints about stolen pets and disreputable dog dealers. There were television exposes on the subject. In response, Sen. Wendell Ford of Kentucky introduced the "Pet Theft Act of 1988". In testifying on behalf of the American Humane Association I reminded the Congress that the original Act was passed because of public outrage over the issue of stolen dogs going to research. Twenty two years after R.T. Phillips testified about Irwin Stebani, I was testifying about the same man.

The Appleton Wisconsin newspaper did a ten-page expose about this awful dog dealer. From USDA reports received under the Freedom of Information Act there were severe violations of the Animal Welfare Act documented from 1980 to 1986. Still, in August 1988, Irwin Stebani continued to be licensed by the USDA and was selling dogs to research facilities.

The 1988 amendment to the Animal Welfare Act (The Pet Theft Act) passed the Senate but was not acted on in the House before the Congress adjourned. The 1988 amendments passed as part of the 1990 Farm bill.

In the 30 years since the passage of the Animal Welfare Act, some of the results have been very positive. Passage of the Act has greatly improved the lives of laboratory animals, animals in zoos, animals in transportation. Even initial opponents of this legislation will agree to that. The pet theft issue still exists. In 1996 hearings were held again in the House of Representatives regarding legislation which would prohibit the Class B dealer classification for animals going to research. We testified at that hearing as well. Bob Baker, testifying on our behalf described the horrific conditions at a dog dealers premises he visited

in 1995. It seems that some things just don't change. In 1975 R.T. Phillips testified that we had concerns about transportation of horses by truck. Finally, this year legislation was passed in the Congress and signed by President Clinton, regarding transportation of horses for slaughter. This new legislation gives USDA the authority to come up with guidelines.

In looking to the future, it is important to look at the past. At AHA, we wonder if there is a lack of desire on the part of the Department of Agriculture to enforce the Animal Welfare Act. In reviewing budget requests by the Department of Agriculture to the Congress and the money appropriated to the Department by the Congress for enforcement of the Act we found that:

1. Since 1967, budget requests were funded to their full amounts in 1975, 76, 77, 79, 90, 94, 95, 96.
2. In 1981, 83, 84, 85, 86, 87, 88, 89, 91, 92 and 1993, Congress appropriated substantially more than the Department requested.
3. In 1986 and 1987, the Department requested ZERO funding for enforcement.
4. For the fiscal year starting October 1, 1997, the Department requested about half a million dollars more than the Congress appropriated.

It appears that from 1981 through 1993, Congress put a higher priority on enforcing the Animal Welfare Act than did the agency tasked with that enforcement. We recommend that USDA organize an advisory type committee consisting of all stakeholders to enhance information sharing, continuing education, collaboration and coordination in our complex ever-changing society.

I hope that our discussions here today and those to come will bring to light new and more effective ways for the Department to enforce this vital Act. The welfare of animals across the nation depends on it. Thank you.

**Moderator - Tim Allen**

*Our next speaker is Ms. Valerie Stanley from the Animal Legal Defense Fund. She is currently the staff attorney for the Animal Legal Defense Fund. After law school she clerked for U.S. District Court Judge Thomas Hogan for two years and was in private practice in Washington, D.C. two years before starting the firm Galvin, Stanley, and Hazard specializing in animal protection law. Since 1993, she has been employed by the Animal Legal Defense Fund where she works full-time on Federal and state litigation to protect animals. Please welcome Valerie Stanley.*

**Valerie Stanley, Staff Attorney, Animal Legal Defense Fund**

Thank you very much. I'd like to talk about three general things today: the need for the Animal Welfare Act, the need for proper interpretation of the Act, and, as everyone before has mentioned, the need for proper enforcement of the Act. For those of you who don't know about the Animal Legal Defense Fund (ALDF), we're a national organization of law students, attorneys, and law professors whose goal it is to see that the laws that are on the books are actually implemented in a way that benefits animals and are adequately enforced.

ALDF feels that the Animal Welfare Act is very important. It's virtually the only protection animals have from an aggressive and fast-paced business world that uses their bodies for all sorts of purposes and continually balances every aspect of their care against the almighty dollar. It was important in 1966 and it's been important since then, and it's also important now because there's a backlash against the animal rights movement. What that's doing is actually hurting animals. Now users regulated under the Act even argue that animals should not be afforded some basic aspects of humane treatment because it takes away money that would be better spent elsewhere.

USDA, and we'd like to congratulate them on this, wisely recognized that cost considerations might not be compatible with a socially-acceptable level of animal welfare. Especially with regard to psychological well-being for nonhuman primates, that little phrase has essentially forced the issue. It has brought industry using primates to see what, otherwise, they might not see.

Just yesterday on the Internet, there was a posting from a woman who had been a



researcher for some thirty years. She has now decided to pursue a career in alternative medicine, but she was going back to something that she saw in 1979 and she says,

“My first sabbatical was at Yerkes Primate Center in Atlanta. It has the largest collection of great apes in captivity. I was there for a year in 1979 when they had a huge million dollar conference on the issue of infertility in the great apes. People came from all over the world to figure out why these animals were not reproducing in captivity. But all you had to do is walk down the big beautifully clean sterile corridor of the primate center looking in windows of each locked room. First you could see the infants in their diapers who were there without their mothers because their mothers were so psychopathological that they either ignored their infants or killed them. If you went into the next room, you would see this beautiful clean area full of toddlers who were hitting their heads on the wall. What you saw was a perfect succession of psychopathology and nobody there got it. Nobody there understood why.”

The 1985 amendments were the beginning of looking at things like that on a daily basis and beginning to question and wonder why they existed and how they can be improved. And I'm very pleased. I've been going to conferences on psychological well-being of nonhuman primates since 1985. The first one was held in Boston in 1988 and I can describe what I saw there as ridicule. Ridicule that this provision was stuck in the law and disbelief that Congress would pass such an incredulous thing. But from 1989 to 1996, it's been discussed and I believe it's gone through the three stages of ridicule, discussion, and acceptance. I think it's an acceptance now.

I'd like to now talk about the proper interpretation of the Act. First of all, the Animal Welfare Act is a remedial statute and the courts have said that remedial statutes are supposed to be interpreted in a way that further effectuates the purposes of the act. The way you can think about this is really giving the animals the benefit of the doubt. I think that's what the Animal Welfare Act is all about.

One of the interpretations of the Act, as we all know, is that USDA has defined animals as not including birds, rats, and mice. And, as Christine Stevens mentioned earlier, birds, rats, and mice can be used in ways that are shocking to a normal conscience. They can be used in these ways and, if they are at an institution that is not covered by the Public Health Policy, there is nothing that can be done. ALDF has sued USDA over that definition before and that case is no longer around. We are happy that USDA says that within five years they hope to include at least rats and mice. But ALDF submits that USDA could amend the definition of animal to include rats and mice and birds currently and that would do a lot to prevent the abuses because, if there were abuses, they could be documented and USDA could take enforcement action. USDA wouldn't have to go out right this minute and start inspecting all the facilities that have birds, rats, and mice, which I might add, have increased in numbers due to the fact that they know these animals are not regulated. At least there would be some safety net there to protect those animals that are really subject to out and out cruelty. Out and out cruelty that would violate some state anti-cruelty statutes. The Act

needs to be interpreted and realized that it's a remedial statute.

The other topic I'd like to talk about is this whole issue of veterinary care. By regulation, veterinarians who work at any of the regulated facilities are agents of that facility. Their duty is to that facility. The Office of General Counsel, I understand, has taken the interpretation that USDA inspectors and USDA veterinarians really can't second guess and can't question the treatment that a veterinarian at a particular facility has signed off on. I understand that, in effect, there's basically a virtual gag order against USDA veterinarians. One wonders, after that, what the purpose is of USDA veterinarians. I would say that USDA should empower USDA veterinarians and recognize they have the training, they have the experience and let them go out and make recommendations and cite veterinary care that's not being provided or that's not adequate to animals. That effectuates the purpose of a remedial statute.

USDA has taken a strange interpretation that the only entity who can question the attending veterinarian's treatment of animals at a facility is the state Board of Veterinary Medical Examiners. If you've ever had any experience with that, there's a lot of treatment of animals that goes by and that gets by before it ever is deemed malpractice or before a veterinarian is ever censured for it. I see that this is a real problem that actually results in a total breakdown of the statute's mandate to ensure humane treatment of the animals.

I'd like to talk about the need for proper enforcement of the Act. ALDF echoes what has been said before in that it's taken too long for cases, once violations are noted, to get to the point where the person or entity is actually taken to court and actually there's some resolution. My understanding is that the average length is about 540 days. That's not swift justice at all. We understand that many cases are written up out in the field by dedicated inspectors. Inspectors who put their heart and life on the line in documenting cases. And somehow somewhere along the process, it's falling apart. Those cases that are very serious and egregious violations of the Act don't even make it to court. Now why is that? I think there needs to be an investigation, an inspection, as to why that is actually happening.

Lastly on this issue, I'd like to talk about the whole idea of performance standards versus design standards. I was involved in the whole process from 1987 to 1991 in the promulgation of the regulations implementing the 1985 amendments. Cathy said that there was sort of this mantra that was put out there that everybody bought and that was we needed to have flexibility so that regulated facilities could provide the best possible care for their animals. What we've said is there needs to be very specific standards so that all regulated entities provide at least the minimum of what is required. Even under such a scenario, everyone is free to provide and do more for their animals, but when you have a situation where you have so much flexibility, it actually can result in nonenforcement of the Act. I understand there was one License C who told a veterinarian who was inspecting him, "You know, with regard to this plan for the psychological well-being of primates, there's nothing you can do to me because there's nothing in those regulations that tell me what I have to do.

So as long as I have a plan, that's all that counts and you can't take any other action against me." And I'll bet you that attitude is widely held, especially when there's no prosecutions of violations of that requirement. That message is out there that you can do whatever you want as long as you have a plan on paper.

I have some suggestions for how to make it better. I believe, and we're all in agreement here, that we need more aggressive review and enforcement of the Act. I'd also like to suggest that USDA consider keeping records of violations longer than three years. An entity that's been violating the Act for 15 years--that needs to be documented somewhere. Those 15 years of violations don't need to be tossed in the trash. They need to be kept in a file, a thick file, that reaches some administrative law judge so they understand that there's a long history of noncompliance and this entity needs to be punished accordingly.

I'd also like to see some reconsideration of interpretations from the Office of General Counsel so we actually look at them and say: Does this really effectuate the purposes of the Act? Does this really take into account that this is a remedial statute which is supposed to improve conditions for animals? If it doesn't and, if it's governed by other considerations like, "Will we get sued over this one", maybe that interpretation is not doing the job.

I'm involved in two areas of regulation where I continually hear from the regulated entities, "There's no problem at all. There's no need to regulate in this area because there's no problem at all." Well, when there's a request made for records that would indicate whether there is or is not a problem, there's a hesitancy and every effort is made to make sure that document is not there. I don't think that is right. I think that if we have the documentation, we need to see that maybe there isn't a problem there. If there's no problem, if regulated entities are required to report instances where there is a breakdown in humane treatment of animals, and after having a requirement like that and you don't have documents to show that there is a problem, then there's no problem and there's no need to regulate. But when we're told, on one hand, there's no problem but we're not going to provide you with the information that would actually show that there's no problem or that we show that there is a problem, the two just don't jive. I think it all gets back to the whole issue of accountability.

Finally, with regard to accountability and the psychological well-being of primates, ALDF would like to see, at least in the interim, that USDA consider making regulated entities submit their plans to the USDA so they would be subject to the Freedom of Information Act. We can see whether all this flexibility is actually benefitting the animals or not. Thank you.

## **Moderator - Tim Allen**

*Our last speaker before our panel discussion is Dr. Martin Stephens, who is the Vice President for Animal Research Issues at the Humane Society of the United States. Dr. Stephens received his Ph.D. in biology at the University of Chicago. In his work with animal research issues, he has given numerous public presentations; testified frequently before Federal, state, and local government bodies; been interviewed frequently by the media; and written articles and reports on these issues. Dr. Stephens aims to help minimize the suffering and killing of animals in biomedical research, testing, and education. He believes that much more can be done to respond to the public's concerns on the use of animals in laboratories.*

### **Martin Stephens, Ph.D., Vice President for Animal Research Issues, Humane Society of the United States**

#### *Introduction*

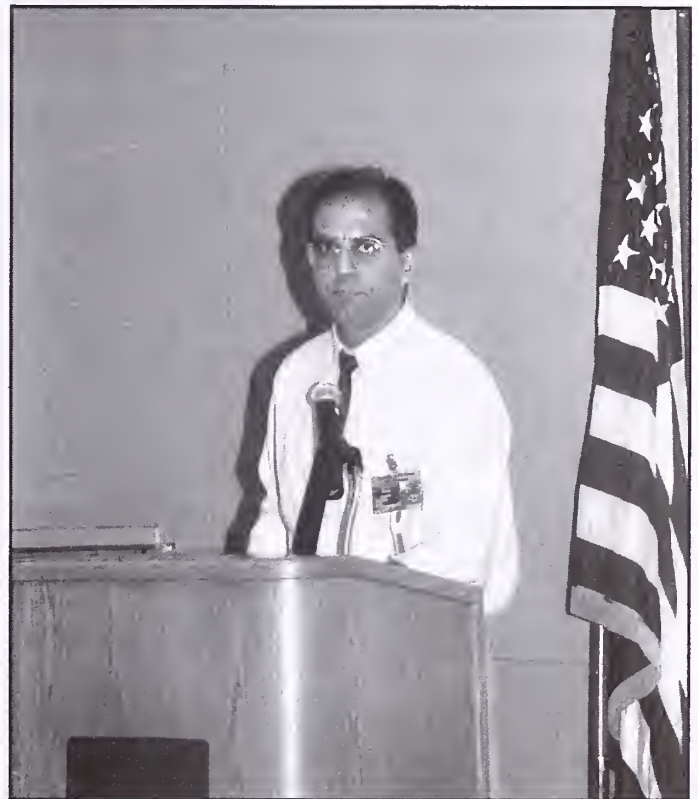
I thank the organizers for inviting me to say a few words on the occasion of the thirtieth anniversary of the Animal Welfare Act (AWA) and the tenth anniversary of the Animal Welfare Information Center (AWIC). Today's symposium is the first celebration of any anniversary of the AWA; I tip my hat to whoever came up with the idea for this commemoration.

Given that my work at The Humane Society of the United States (HSUS) pertains to the use of animals in research, I will limit my remarks primarily to that issue. However, I want to emphasize that The HSUS has active programs concerning other activities regulated under the AWA. Indeed, in the audience today are several of my colleagues who work on issues pertaining to captive wildlife, companion animals, farm animals, and investigations.

#### *Historical Perspective*

The HSUS is proud to have been a major supporter of the AWA over the years. I brought with me today a photograph of President Lyndon Johnson giving one of the pens he used to sign the original AWA to HSUS representative Frank McMahon, whom Dr. Schwindaman mentioned this morning.

The HSUS regards the AWA as landmark legislation. It is our nation's primary law governing the treatment of animals in research and other regulated activities. It has made a



difference in the day to day lives of animals in laboratories. Viewed in hindsight, the routine conditions for animals in laboratories before passage of the AWA were the stuff of horror stories. Today, under the AWA, we have standards for housing, husbandry, personnel training, and so on. Under the AWA, researchers must gain approval from a review committee prior to beginning their research.

Do these standards and procedures go far enough? Certainly not. Several speakers acknowledged this earlier today. But with all their deficiencies and loopholes, they still make a difference for animals.

In my view, there are four key ingredients to protecting animals in laboratories:

1. implementing strong regulations governing animal research
2. promoting alternative methods of research (Russell and Burch's Three Rs)
3. promoting openness and accountability among research facilities, and
4. ending the most objectionable experiments and practices.

Notwithstanding its shortcomings, the AWA at least begins to address all four of these areas. While it is obvious how the AWA provides regulatory oversight (ingredient #1), it may not be obvious how AWA relates to the other key aspects of protecting animals in labs. Let me provide an example for each case.

With respect to alternative methods (ingredient #2), the AWA calls upon researchers to consider alternatives to painful procedures in planning their studies. With respect to openness and accountability (ingredient #3), the AWA calls upon facilities to appoint at least one community representative, unaffiliated with the facility, to their Institutional Animal Care and Use Committees (IACUCs). And with respect to ending the most objectionable practices (ingredient #4), alas, here is where the AWA is weakest. Most IACUCs do not see their authority as enabling them to block particularly invasive or trivial experiments. Nonetheless, IACUCs arguably have an implicit mandate to weigh the expected benefit from experiments against the expected cost to the animals, in terms of pain, suffering, and harm.

Given the AWA's promise as well as its shortcomings, animal protectionists have a love/hate relationship with this legislation. On one hand, we sometimes dismiss it for not going nearly far enough. On other hand, we are quick to invoke it when we have evidence of a violation of its regulations.

### *Future Directions*

We are here today not only to give our perspectives on the past and the present, but also to comment on the future. In this regard, I will make two sets of recommendations, one general, and the other, specific. First, the general.

The HSUS takes this opportunity to recommend that the U.S. Department of



Agriculture (USDA) reevaluate its philosophical approach to drafting regulations. The agency has been moving away from its historical approach of specifying minimum standards. Instead, the agency's new approach has been to sketch guidelines under which facilities essentially adopt their own standards. These guidelines have somewhat euphemistically been labeled "performance standards." In our view, these standards lack substance and enforceability, and put unnecessary burdens on inspection personnel.

In this permissive regulatory climate, highly motivated facilities may indeed do the right thing but unmotivated or antagonistic facilities will do as little as they can get away with. If facilities want flexibility, let the USDA promulgate a menu of acceptable standards and give facilities the choice of either picking one of these options or proposing their own innovative plan to the agency.

The HSUS recommends that the USDA conduct or commission a study on how well the performance standards approach is working, particularly with respect to exercise for dogs and the psychological well-being of primates. These two sets of standards were put in place as result of the 1985 amendments to the AWA known as the "Improved Standards for Laboratory Animals Act." But have conditions indeed improved for these animals and are these standards proven to be enforceable? Many of us want to know, especially if the performance standards approach will be expanded. The USDA's Strategic Plan raises the issue of the effectiveness of performance standards, but does not recommend follow-up action.

This leads me to another facet of USDA's philosophical approach to regulation. In the past several years, the USDA has shifted its emphasis away from regulation and moved more towards education. Education certainly has its place. But once an industry has been educated, then it's time for old-fashioned enforcement. In this connection, I worry about the agency's use of currently fashionable slogans such as "eliminating regulatory barriers" and "self-regulation". Barriers to mistreatment should be fortified, not eliminated.

Let me turn from recommendations about the agency's philosophical approach to regulation, to the nuts and bolts of regulation. Like many observers in the animal protection community, I have a wish list of specific changes I would like to see in the AWA and its regulations. I'll cite just three:

1. The USDA should begin regulating mice, rats, and birds, species which account for eight out of every ten animals used in laboratories.
2. The USDA should issue regulations for farm animals; these have been held up within the agency for years.
3. The USDA should revise and expand its annual reports, which would go a long way toward filling the information void on animal research in the United States.

All three of these changes could be implemented administratively, without the need to amend the AWA.

Let me mention one other item as long as we are looking into the future. First, if IACUCs are ever going to help end objectionable practices in laboratories, they must be given an explicit mandate from the USDA to weigh the costs and benefits of proposed experiments, to weigh "pain for gain." Yes, IACUCs should, in some ways, address the sensitive issue of scientific merit. Otherwise, IACUCs will serve only as refiners of protocols, not as gatekeepers, guarding against unjustifiable experiments.

### *HSUS/USDA Collaborations*

From the perspective of 1996, the future of the AWA looks encouraging. The HSUS senses a new commitment to the AWA at highest levels of the USDA. We welcome what we perceive as a new spirit of openness and cooperation at the USDA. This spirit and commitment will begin a new chapter in the life of the AWA, which the HSUS is proud to be a part of.

The HSUS is currently collaborating with the USDA on two important projects. First, representatives from both organizations serve on a working group that will recommend changes to the pain categories by which the USDA classifies animal use. The current categories have become out-of-date and misleading. We appreciate the USDA's willingness to revise them.

Second, as Jean Larson mentioned this morning, representatives from both The HSUS and the USDA are part of a new coalition seeking to make information on alternatives readily available to researchers and review committees worldwide. The coalition, still in its formative stage, also includes the National Research Council, the Johns Hopkins Center of Alternatives to Animal Testing, and Proctor and Gamble. This is an unusual coalition of players who have often been at odds in the past. Perhaps this venture portends a new era of cooperation across the broad scope of interested parties. Since Jean mentioned this project this morning, representatives of several organizations, including the NIH, have approached me to express their interest in the venture.

### *Concluding Remarks*

The majority of animal researchers active today began their careers since the AWA was originally passed in 1966. These researchers have experienced not only this new regulatory climate, but also the explosion in public concern for animals in 1980s. And now, they should not be surprised that in the 90's, we have a USDA with a renewed commitment to the AWA.

The HSUS looks forward to working with the USDA to strengthen the AWA and its enforcement during this law's next 30 years. Happy Anniversary!

## *Panel Discussion*

**Question:** Bud Hughes. We keep hearing about APHIS needing more money, yet Secretary Dunn testified before Congress that APHIS has all the money it needs. What's the right answer?

**Dr. Schwindaman:** We all know what the economic environment is as far as Government is concerned. Any program can use more money. What we are doing is maximizing our resources to make them most efficient and get the best enforcement efforts possible with the dollars that we have. That's the reality of the situation.

**Cathy Liss:** I hope everyone is aware that the Administration dictates how the Department can respond to that question. Perhaps a better way of phrasing the question is, "What would you do if you had more money?" If there is broad spectrum interest in getting additional funding for APHIS/Animal Care, maybe we should all work together to come up with a figure. Congress may be impressed if a variety of interests join to lobby additional funding.

**Tim Allen:** In the comments that Congressman Brown sent over, he says that it is time for Congress to reconcile the mission it has set up for APHIS/REAC with the budget that it has allocated over the past years for them to do their job.

**Dr. Schwindaman:** There has been consideration to the possibility of requesting user fees for several programs. Animal Welfare is one of those programs.

**Adele Douglass:** Dale, would the funds collected go to the Department or to the general Treasury?

**Dr. Schwindaman:** As part of the legislative authority in giving authority for user fees, they go to the Department and come back to the program. License fees, fines, and such go into the general Treasury.

**Question:** Some of you mentioned a stakeholders advisory group. I wonder if you mean some sort of committee?

**Dr. Stephens:** I mentioned that. One of the things we can learn from the British is the use of standing committees that keeps a finger on the pulse of activities of different industries. Maybe one could be set up that could make recommendations to USDA on an annual basis and provide a status report on the state of the art as well. Recommendations could include changes to regulations, fewer regulations, more regulation, but recommendations coming from a consensus group rather than from different parties which can lead to polarization.

**Adele Douglass:** I met with people from New Zealand who advise their agriculture ministry. Similar to what Marty said, all the stakeholders are involved. I had in mind a committee that would respond to issues as they arise and would make recommendations on problem solving.

**Question:** We heard a lot today about mammals. But what about fish and reptiles?

**Valerie Stanley:** The Act only covers warm-blooded vertebrates.

**Tim Allen:** It is important to note that the NIH Guide does cover all species used in research.

**Question:** I would like to suggest that USDA has clients that are not the public or even human. The clients are animals. They are who the Act is supposed to protect.

**Marshall Meyers:** I think the term "customer" is part of reinventing Government. We should not use this term.

**Comment:** (USDA representative) Getting back to the budget question, Mr. Gunderson said we are giving the Department what the Department is asking for. To me, that signals to Congress that the Department has higher priorities than REAC enforcement. In tight budget times, I think Congress is reluctant to force more money on an agency that hasn't asked for it. The concern is it going to be used wisely?

**Barbara Rich:** This is a classic political football. The Republican Congressman points to the Democratic Administrator and he points back. This isn't new to anybody. Speaking for NABR, we, as many of you have, always supported increased appropriations for APHIS/REAC. We've tried cooperative efforts-- signed on to joint letters, but that approach has failed us.

**USDA representative:** I think it is also important to remember that funding is limited. Congress does respond to the will of the voters. At APHIS, we have 43 separate programs. We have to weigh each program against each other, but the President's budget has a limit to how much we can propose. We must weigh those programs on what the public, generally, is asking us to do. If it wants an increase in one program, there must be a concurrent decrease in at least one other. I think the Administration and Congress seem to be fairly close in agreement with some notable exceptions. The level of funding that REAC has is apparently appropriate.

**Kris Vehrs:** I'd like to say that, although groups have been cooperative for 1995 asking for 1996 funding, maybe we're not starting back far enough. Right now Congress is looking at its 1997, '98, and '99 requests. We need to work at the level of the Department as they put together their strategic plans-- work at that level for future funding and then work on the Hill for the next year's funding.

## *USDA Perspective and Future Directions*

### *Exhibitors*

#### **Scott Price, Veterinary Medical Officer, APHIS, Animal Care**

I am most pleased to be here today representing Animal Care and sharing my thoughts with you on exhibit animals. As you can see from the slide, times have changed since this picture was taken. We now have new uniforms, new cars, and most importantly, we have a new attitude. We cannot get where we are going unless we know where we have been. We fully understand that the AWA of 1966 and its amendments were a conscious effort on the part of the United States government to enforce minimum standards and requirements in the absence of human sensitivity and ethical responsibility. Times have changed. We have changed. We want to continue to grow toward affording all animals basic creature comforts.



The animal welfare regulations concerning exhibit animals emphasize safety, animal health, and for some species, social housing. The Regulations also afford protection from predators and safety for the public. Enclosures must protect animals from wind, rain, snow, and sleet. Primary cages must be constructed so that they do not cause injury to their inhabitants.

The 1985 amendments to the Animal Welfare Act created standards for the psychological well-being and social enrichment of all primates. No more do we see sterile surroundings, tile walls, or environments devoid of stimuli. We know that primates benefit from social groups. Conspecifics many times help in the rearing of young, and all share in the responsibility of supplying a lookout for the troop. Most primates have fulltime indoor and outdoor access and space enough to retreat when aggression occurs. Other, less obvious forms of psychological well-being and social enrichments include providing forage foods such as leafy greens, fruits and vegetables, nuts and seeds provide hours of occupation in addition to vitamins and minerals.

Marine mammals create a lot of public interest. They are intelligent, often playful, and easily trained. In addition to minimum water volumes set by the animal welfare

regulations, we also require dry resting space sufficient for those marine mammals such as polar bears, sea lions, seals, and otters that utilize dry land as part of their habitat. Our regulations require that this water environment in which these mammals live be routinely monitored for bacterial counts, chlorine levels, and any other additives. The animal welfare regulations require the feeding of nutritious foods. We routinely inspect freezers of fish and the thawing and feeding process of this fish to ensure compliance with the Animal Welfare Act.

While not required, many exhibit parks include socialization of their marine mammals. Human attention and contact can be an important component of animal welfare. Our regulations do require fulltime attendants to supervise human-animal interaction such as feeding or petting.

Hoofstock presents yet another challenge for animal welfare regulations and exhibit parks. Antlers and horns create special fencing requirements in trying to contain these animals. Antlers and horns can be dangerous to other animals within the same enclosure and many hoofstock have the ability to jump and leap. Containing these animals and providing for their safety are part of the current animal welfare regulations.

Smaller mammals on exhibit have special requirements. Many are nocturnal. Some have special dietary requirements. Some feel more comfortable in surroundings of camoflauge. The Animal Welfare Act regulations require that the animals be provided a palatable diet and that a veterinarian oversee animal nutrition.

Old World carnivores, such as this pride of lions, make a publicly-appealing exhibit. Lions are fed meat with vitamin and mineral supplements and are routinely fasted to mimic the natural way that they gorge and fast in the wild. Lions are social creatures, naturally living in family groups.

Our exhibit parks and circuses are required to utilize expertise and knowledge of a veterinarian and maintain an updated program of veterinary care for all mammals. These laws are flexible enough to allow us to keep the animal first in mind. If the animal cannot be brought to surgery, the surgery unit may be brought to the animal. Individual animal records as well as veterinary records are routinely reviewed by Animal Care veterinarians and inspectors during unannounced inspections.

This slide demonstrates that social enrichment need not utilize animals of the same species when they are not readily available. The animal welfare regulations allow for flexibility and creativity within the exhibit community to satisfy the intent of the Animal Welfare Act.

In closing, I would like to say that we have made a giant leap towards animal comfort since 1966. Our exhibitors, by and large, have made great efforts to construct natural habitat

exhibits and to address animal needs in a creative and responsible way. Today, on our 30th anniversary, I can tell you that Animal Care is joining the computer age to help our division generate, retrieve, and file inspection reports. We look forward to continuing support from animal interest groups and concerned citizens. We also hope that you approve of our new attitude. Thank you.





## Carriers

*Moderator - Tim Allen*

*Our next speaker is Mr. Ralph Ayers. Ralph is an animal care inspector with USDA APHIS/REAC and has worked with APHIS since 1976. He lives down in Georgia and currently works with Georgia, Alabama, Florida panhandle, and the western part of South Carolina for the Animal Care staff. Please welcome Ralph Ayers.*

### **Ralph Ayers, Inspector, APHIS, Animal Care**

Good afternoon, I'm Ralph Ayers, an Animal Care Inspector from Georgia. Like he said, I work Georgia, Alabama, the Florida panhandle, and the western part of South Carolina. I have been working for the USDA since 1976. As you already know, in 1966 (30 years ago) the Laboratory Animal Welfare Act was passed by Congress. However, it was not until 1976, only 20 years ago, that an amendment to the Animal Welfare Act was passed for transportation of animals in commerce. Prior to that time, several makeshift enclosures were being used for transportation. This legislation allowed standards to be put in force for carriers handling live animal shipments.



Dogs and cats and most mammals transported by air are protected by the Animal Welfare Act and APHIS shipping regulations which help insure that animals are treated humanely by the airlines. I remember hearing my supervisor, a veterinarian, say he had to go inspect the carriers on airlines at the Atlanta airport for compliance in 1976. I began inspecting carriers in 1977. to inspect the airlines and carriers for compliance. In 1977, I began inspecting carriers.

In 1994, we had 613 in-transit carrier sites and we made 1407 inspections of these carriers nationwide. In 1995, the number of carrier sites had fallen to 453 sites and we made 1389 inspections. We have only 29 Animal Care Inspectors (ACI) and 44 Veterinary Medical Officers (VMO) nationwide.

A large airline operating in a large airport may have as many as three or four different sites to inspect. For example, the freight facility where animals are accepted for shipment has a separate holding area where animals are ending their travel and are held for pick-up by their new owners. These could include private individuals or animals for pet stores. Another

inspection site is a transfer point where animals are held after shipping from another city while waiting for a flight to another destination. There is also the international holding area where animals are held prior to shipment on an international flight.

The ramp area is where animals can only be held for 45 minutes prior to their departure if the temperature is above 85°F or below 45°F and they don't have an acclimation certificate. The ticket counter is an area where animals are accepted who are traveling with their owners. The animals must be checked as baggage and placed in the cargo compartment of the aircraft.

When I first began inspecting carriers at the airport, animals were being shipped in many makeshift enclosures. I remember seeing rabbits shipped in orange crates, dogs being shipped in a metal suitcase with a few holes cut in the front for ventilation, and homemade enclosures that were nailed shut with no doors and very few holes for ventilation. I saw cats shipped in small plastic sewing boxes and monkeys shipped in small boxes with no doors and very little ventilation. Many of these animals could not turn around or lie down in their small enclosures. There were no feed or water receptacles in the enclosures making it almost impossible to give them feed or water while they were in transit.

Many improvements have been made in the past 20 years by the airlines handling these animal shipments. When conducting airport inspections, I inspect for over 30 different compliance items on Form 7004. Some of these include a consignor certificate for food and water. A certificate must be signed by the shipper stating the last time and date a dog or cat was offered feed and water or fed and watered. Ventilation and rims is very important and adequate ventilation must be on the shipping enclosure. A 3/4 inch projecting rim or other device must be located on the exterior of each enclosure having a ventilation opening, in order to prevent obstruction of the openings. Space is important. Primary enclosures must be large enough for each dog or cat to turn about normally while standing, to sit or stand erect, and to lie in a natural position. Enclosures must contain litter, have live animal markings on the top and one or more sides, and have directional arrows to indicate the correct upright position of the shipping enclosure. All shipments must have written feeding and watering instructions affixed to the outside of the primary enclosure and each enclosure must contain food and water receptacles. Holding area animals cannot be held for more than four hours when the temperature is over 85°F without some type of auxiliary ventilation. Animals must have shelter from the sun, rain, wind, and cold.

I was inspecting the Atlanta airport a few months ago. There was a dog there going from one research facility to another at the transfer point. It had been mishandled in shipment either on the aircraft or while unloading and it was upside down. The live animal markings were upside down. The feed and water receptacles were upside down. The wire mesh on the bottom had gotten over on the side and it was leaning over on the dog. It was pretty obvious to see that this was a problem because of the live animal markings being upside down.

Some ways we can improve air travel for animals is for the airlines to limit accepting animal shipments during extreme weather conditions. Many airlines have embargoes during very hot and cold weather. Airlines should have more training for new employees concerning live animal shipments. All airlines need a protocol in place so each aircraft pilot knows when live animals are being shipped in the cargo bins. Almost every year animals die because of human error when cooling or oxygen is limited to the cargo compartments. This occurs mainly in very hot weather.

The USDA should make more frequent inspections of the large hub airports. This will serve two purposes. First, it will allow USDA to monitor compliance of shipments and USDA will let the airlines know what cities have non-compliant shipments so additional training can be provided to these employees.

There have been major advancements in the welfare of animals during transport, but there is more that can be done.



## *Dealers*

### **David Sabala, Veterinary Medical Officer, APHIS, Animal Care**

As with any program, to be successful and to improve, you need cooperation from all involved: the regulated individuals, the industry, USDA, other Federal agencies as such. What we saw over a period of time was much more cooperation among the individuals. USDA was invited to and participated in industry meetings, was a source of information, explained rules and regulations, tried to explain some of the things that have worked. We have tried to be as helpful as we can to the dealers. One of the benefits of this type of thing was, as more and more people got into the business of kennels, they participated in these meetings. We were able to get to them right at the roots - explain to them what is needed, what's best for the animals, and what works. I think as more and more people get into the business, they become more conscious of what it takes to produce a healthy animal.



We also worked better with state and other Federal agencies. A few of the states developed their own animal welfare programs. Some of them are modeled after the Animal Welfare Act. We had various state and Federal agreements where we worked with state inspectors and participated in sessions where we'd get together and try to compare notes to see what works and what doesn't. Since we are getting more and more state agencies cooperating with us, a lot of these facilities may be getting inspected more frequently. USDA will inspect them X number of times, but also a state inspector will be there once or twice a year. So the dealer is inspected on a much more frequent basis and that will make the dealer much more conscious of what's important.

I want to show some slides of facilities. Not necessarily model facilities, but facilities that are really trying to do good jobs. The operators are innovative, work with inspectors, and do whatever it takes to improve the conditions of the animals. I've seen some of these places six or seven years ago, and it's amazing what they are doing now.

Slide 1. These are basic sheltered kennels. We're seeing more and more facilities using plastic pipes as supports. They're getting away from wood frames that rot, break down, and cause a lot of the structural problems. This is a much stronger type of structure. Pipe is also easier to clean. Therefore, the dogs are cleaner and healthier.

Slide 2. This is not exactly a prefabricated building, but there is a company that makes these types of buildings. You buy them, they will bring them to you, set them up on your foundation, get the inserts set up, and in very little time, an operator is ready to go in a good, clean, brand new facility.

Slide 3. Another type of facility, the outdoor facility. We're seeing larger runs. Different people have opinions on the best type of surface material. Some say concrete is not good for dogs, others say it's all they would use. This one happens to be "chat" or a type of small pebble. It's easy to clean; they rake it; it doesn't get dirty like ground or dirt where it gets rain. These are all different innovative ways to improve conditions for the animals.

Slide 4. Structurally sound. Dealer facilities are getting away from the wood structures and getting more into structurally-sound facilities because there is less labor and money in different types of structures.

Slide 5. The flooring. This one is Red Rooster. We're seeing various types of flooring. There's also Tenderfoot which is heavy thick-coated wire.

Slide 6. This is a close-up. Plastic PVC pipe uses a frame. On top of that, they have cattle panels or horse panels or some type of support or framework. On top of the panel is a plastic-coated wire which is easy to clean, sanitize, and keeps the animals in much better condition.

Slide 7. There is a recycled plastic product that looks like lumber. These are 2 x 6s. Dealers cut them and make nestboxes. Easy to clean and sanitize. Dogs still chew on it but nothing like they would on wood.

Slide 8. Another one is calf hutches. Build a cement floor or foundation and put one of these hutches on top of it. They make excellent dog houses for larger breeds in an outdoor facility. They can also be fitted with a heat lamp. During the winter, it is a nice warm facility.

Slide 9. This is a cattery. We're also seeing similar things like the use of the plastic pipe to keep everything clean and protected.

Slide 10. This is something I didn't see seven years ago except in laboratories. This is a water lixit. More kennels and shelters are set up with water lixits. Again, it reduces labor and problems that you have with other types of water containers.

## Research

*Moderator - Tim Allen*

*Our last speaker of the day before we get to Dr. Schwindaman is Dr. Sylvia Taylor. She is a veterinary medical officer with the Eastern Region in Florida.*

### **Sylvia Taylor, Veterinary Medical Officer, APHIS, Animal Care**

I am going to speak about animals in research, teaching, and testing. Most of what I'm about to say has been mentioned in some sort of context already. I've been around long enough to be able to talk about differences between what the status of that industry was prior to the 1985 amendments and the results of those amendments. I will focus on the differences between those two time periods.

As you heard today, the amendments from 1985 resulted in the mandate of the Institutional Animal Care and Use Committee at every facility and outlined their duties and responsibilities. Among other things, they established training programs for employees and resulted in regulations being promulgated to regulate the psychological well-being of primates and provide dog exercise.

I've been doing this just long enough to remember facilities where there was essentially no attending veterinarian except on paper. When there was an attending veterinarian, he or she had no access to all of the facility and was frequently not aware of all of the research going on, where it was being done, and who was conducting it within the facility. At times there were inexperienced students, undergraduate and graduate, doing relatively unsupervised work. These were often departmentally or internally-funded projects so they could escape the usual animal care and use committee review that would have been attended even at that time with projects that were federally funded. Also, at that time, the use of analgesics was an afterthought. They would be used if needed, but they weren't planned out in advance so they wouldn't be used until once there was already an incurrance of discomfort.

Many times there was very little tracking of an animal's past operative history. Many animals had a number of major operations performed on them because there were no regulations limiting the number of major operative procedures. I can remember researchers



and veterinarians finding that an animal was lacking an internal organ, much to their surprise, from previous projects they had not been made aware of. I can recall facilities where the ideal appearance was the white-tiled bathroom look. Identical single cages were as sterile as possible. No doubt this ideal was developed in the days where it was a necessity to maintain the basic health of animals that were imported when we certainly didn't have the sort of health and medical tools that are available to us now.

What I see now is much different. Certainly there is much greater involvement of the laboratory animal veterinarian in all aspects of the facility. I see a growing respect for the laboratory animal veterinarian from the researchers for the veterinarian's ability to improve the quality of the research. I've seen the rise of training programs and even entire businesses that focus on employee training, legislation, ethics, and animal care. I also see the employment of behaviorists and environmental enrichment specialists by facilities who are trying to meet the requirement for dog exercise and primate well-being. Some of this has even spilled into other species particularly cats, ferrets, rabbits, and rodents and species not mentioned in the regulations. These species are benefitting from increased interest in what their behavioral needs are.

There are more projects in what I will call animal welfare science. There are journals devoted to that subject and some institutions are conducting research to improve well-being of the animals at their facility and other facilities. This entire topic is becoming increasingly respected and receiving funding. Some of those projects described earlier from the Agricultural Research Service are determining the optimal housing system for farm animals.

Another development was the establishment of the Animal Welfare Information Center. I started to use them heavily around 1990, and I can say that they are probably the single greatest resource for improving the well-being of animals in almost every area. I can remember many times where I've called those guys on very short notice, sometimes from a facility with the investigator present, and I've never been disappointed yet with their response. Certainly, happy anniversary to you guys.

We are seeing more cooperation in training programs between APHIS, Animal Care and industry such as the one Kris Vehrs mentioned with exhibitors. There have been similar programs with the research industry and I think there is a new spirit of cooperation and collaboration in that regard.

We know that nothing is perfect and we have plenty of challenges ahead of us. Although some of things that Christine Stevens observed are now uncommon, there are some things that we still need to work on. As in any agency, we've had to cope with budget cuts, and I almost dare not bring up the "B" word again after all the fuss it caused, but it certainly has caused us to restructure our procedures. Many years ago, we did two to perhaps four inspections of a facility per year and now we're down to one or two. On some occasions, it might even have to be zero. We know there is a problem with enforcement of existing



regulations. We also have many challenges on how to distribute information on the application of regulations to certain complex areas that deal with research facilities such as major operative procedure limits or breeding protocols that involve multiple C-sections. Issues like refinement and pain categories; that seems to be something that both sides in this room seem to agree upon. And, on behalf of the people in the field, we agree with that too. The existing pain categories are not particularly helpful to anybody and do not provide anybody with much useful information. I think these need to be refined.

We still grapple with issues concerning proper composition and representation, and participation by all members of the Institutional Animal Care and Use Committees. This is the cornerstone of the IACUC system and if you don't have a well-balanced IACUC with well-balanced participation of all the members, other aspects of the IACUC system might be compromised. There still seems to be some concern and perhaps misunderstanding about what is meant by regulations referring to alternatives to painful procedures. Not necessarily alternatives to the use of animals, but getting proper appreciation for one of the 3 Rs, Refinement.

These are some of the areas that we continue to explore. When you have improvements that occur in small increments and gradually, it's sometimes difficult to notice them. But I think when you take the long view, like we've done today, you realize just how far we've come. We might have a long way to go, but we've come a long way in improving welfare of animals and listening to concerns from all sides involved.



## *Conclusion*

### **Dr. Schwindaman**

We've had a pretty full day and I want to show you the strategic development document that Secretary Dunn mentioned. We have it available now and it relates to a lot of the comments that were made today. Mr. Medley and myself co-chaired this internal committee. It really does express the direction that the animal care programs are going to be taking over the next several years. In order to make sure that these things do occur, we've set-up teams charged with the responsibility, under the Initiatives Coordinator, Dr. Dick Watkins, to develop these initiatives so they are not just talked about, but we actually carry them out.

I see a great future for the Animal Care program and great participation on the part of those of you who are here today to help us improve our delivery and enforcement effort of our animal care programs. I hope you have found today as a source of renewed energy and maybe you'll go away with some new information to think about and incorporate into your particular point of view about animal welfare and our regulatory practices.

It's been somewhat of a nostalgic occasion for me, to be honest with you. As Tim mentioned, shortly I will be retiring after about 41 years in Federal service. That's older than many of you here in the room. Most of my career has been with animal welfare. It's been a challenging career; one that I've enjoyed. I wish I had another 41 years to devote to it.

As we look today at the historical perspectives, I notice that we struggle today with some of the same problems that brought about the passage of the 1966 Act. But I count up more gains than losses. Many marginal exhibitors and dealers are now out of business. Laboratory veterinarians have a stronger voice in their research facilities. The expansion of regulation to more species and settings. Improvements in the handling of animals during transport and the inclusion of environmental enhancement standards as a broader definition of animal well-being takes hold in public consciousness.

Most importantly, I think, is our field force. The members of our Animal Care organization. We have a very committed and highly trained force of Animal Care personnel that are going to make sure that this continues. Most of all, I count as gains the relationships we built up over the years. That IACUCs have moved to develop standards cooperatively among commercial dealers is just one example. We also have a higher level of cooperation with NIH, Department of Defense, FDA, Veterans Affairs, and other Government agencies. We stand on the brink of great things in animal welfare regulation. I hope today you have been inspired, as I have been, by that vision in that each of you will lend your abilities and expertise that will make that vision a reality.

I would again like to thank the committee for the celebration today. Thanks to Betty Fatunda.



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